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Report of the Human Rights Council

Report of the Third Committee

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I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled "Report of the Human Rights Council".

2. At its 44th plenary meeting, on 5 November 2007, the General Assembly, on the recommendation of the General Committee, decided to allocate the item to the Third Committee.

3. The Third Committee considered the item at its 35th, 36th and 47th meetings, on 5, 6 and 16 November 2007. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/62/SR.35, 36 and 47).

4. For its consideration of the item, the Committee had before it the report of the Human Rights Council on its second, third, fourth and fifth sessions, its first organizational meeting and its third and fourth special sessions.[1]

5. At the 35th meeting, on 5 November, the President of the Human Rights Council addressed the Committee (see A/C.3/62/SR.35).

II. Consideration of proposals

A. Draft resolution A/C.3/62/L.32 and amendment thereto contained in document A/C.3/62/L.84

6. By its resolution 5/1 of 18 June 2007, the Human Rights Council recommended to the General Assembly the adoption of a draft resolution entitled

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53).

"Institution-building of the United Nations Human Rights Council". The draft resolution was reproduced in document A/C.3/62/L.32, and read:

The General Assembly,

Taking note of Human Rights Council resolution 5/1 of 18 June 2007,

1. *Welcomes* the text entitled "United Nations Human Rights Council: Institution-Building", as contained in the annex to the present resolution, including its appendices.

Annex

UNITED NATIONS HUMAN RIGHTS COUNCIL: INSTITUTION-BUILDING

I. UNIVERSAL PERIODIC REVIEW MECHANISM

A. Basis of the review

1. The basis of the review is:

(*a*) The Charter of the United Nations;

(*b*) The Universal Declaration of Human Rights;

(*c*) Human rights instruments to which a State is party;

(*d*) Voluntary pledges and commitments made by States, including those undertaken when presenting their candidatures for election to the Human Rights Council (hereinafter "the Council").

2. In addition to the above and given the complementary and mutually interrelated nature of international human rights law and international humanitarian law, the review shall take into account applicable international humanitarian law.

B. Principles and objectives

1. Principles

3. The universal periodic review should:

(*a*) Promote the universality, interdependence, indivisibility and interrelatedness of all human rights;

(*b*) Be a cooperative mechanism based on objective and reliable information and on interactive dialogue;

(*c*) Ensure universal coverage and equal treatment of all States;

(*d*) Be an intergovernmental process, United Nations Member-driven and action-oriented;

(*e*) Fully involve the country under review;

(*f*) Complement and not duplicate other human rights mechanisms, thus representing an added value;

(*g*) Be conducted in an objective, transparent, non-selective, constructive, non-confrontational and non-politicized manner;

(*h*) Not be overly burdensome to the concerned State or to the agenda of the Council;

(*i*) Not be overly long; it should be realistic and not absorb a disproportionate amount of time, human and financial resources;

(*j*) Not diminish the Council's capacity to respond to urgent human rights situations;

(*k*) Fully integrate a gender perspective;

(*l*) Without prejudice to the obligations contained in the elements provided for in the basis of review, take into account the level of development and specificities of countries;

(*m*) Ensure the participation of all relevant stakeholders, including non-governmental organizations and national human rights institutions, in accordance with General Assembly resolution 60/251 of 15 March 2006 and Economic and Social Council resolution 1996/31 of 25 July 1996, as well as any decisions that the Council may take in this regard.

2. Objectives

4. The objectives of the review are:

(*a*) The improvement of the human rights situation on the ground;

(*b*) The fulfilment of the State's human rights obligations and commitments and assessment of positive developments and challenges faced by the State;

(*c*) The enhancement of the State's capacity and of technical assistance, in consultation with, and with the consent of, the State concerned;

(*d*) The sharing of best practice among States and other stakeholders;

(*e*) Support for cooperation in the promotion and protection of human rights;

(*f*) The encouragement of full cooperation and engagement with the Council, other human rights bodies and the Office of the United Nations High Commissioner for Human Rights.

C. Periodicity and order of the review

5. The review begins after the adoption of the universal periodic review mechanism by the Council.

6. The order of review should reflect the principles of universality and equal treatment.

7. The order of the review should be established as soon as possible in order to allow States to prepare adequately.

8. All member States of the Council shall be reviewed during their term of membership.

9. The initial members of the Council, especially those elected for one or two-year terms, should be reviewed first.

10. A mix of member and observer States of the Council should be reviewed.

11. Equitable geographic distribution should be respected in the selection of countries for review.

12. The first member and observer States to be reviewed will be chosen by the drawing of lots from each Regional Group in such a way as to ensure full respect for equitable geographic distribution. Alphabetical order will then be applied beginning with those countries thus selected, unless other countries volunteer to be reviewed.

13. The period between review cycles should be reasonable so as to take into account the capacity of States to prepare for, and the capacity of other stakeholders to respond to, the requests arising from the review.

14. The periodicity of the review for the first cycle will be of four years. This will imply the consideration of 48 States per year during three sessions of the working group of two weeks each.[a]

D. Process and modalities of the review

1. Documentation

15. The documents on which the review would be based are:

(*a*) Information prepared by the State concerned, which can take the form of a national report, on the basis of general guidelines to be adopted by the Council at its sixth session (first session of the second cycle), and any other information considered relevant by the State concerned, which could be presented either orally or in writing, provided that the written presentation summarizing the information will not exceed 20 pages, to guarantee equal treatment to all States and not to overburden the mechanism. States are encouraged to prepare the information through a broad consultation process at the national level with all relevant stakeholders;

(*b*) Additionally a compilation prepared by the Office of the High Commissioner for Human Rights of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents, which shall not exceed 10 pages;

(*c*) Additional, credible and reliable information provided by other relevant stakeholders to the universal periodic review which should also be taken into consideration by the Council in the review. The Office of the High Commissioner for Human Rights will prepare a summary of such information which shall not exceed 10 pages.

16. The documents prepared by the Office of the High Commissioner for Human Rights should be elaborated following the structure of the general guidelines adopted by the Council regarding the information prepared by the State concerned.

17. Both the State's written presentation and the summaries prepared by the Office of the High Commissioner for Human Rights shall be ready six weeks prior to the review by the working group to ensure the distribution of documents simultaneously in the six official languages of the United Nations, in accordance with General Assembly resolution 53/208 of 14 January 1999.

2. Modalities

18. The modalities of the review shall be as follows:

(*a*) The review will be conducted in one working group, chaired by the President of the Council and composed of the 47 member States of the Council. Each member State will decide on the composition of its delegation;[b]

(*b*) Observer States may participate in the review, including in the interactive dialogue;

(*c*) Other relevant stakeholders may attend the review in the Working Group;

(*d*) A group of three rapporteurs, selected by the drawing of lots among the members of the Council and from different Regional Groups (*troika*) will be formed to facilitate each review, including the preparation of the report of the working group. The

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[a] The universal periodic review is an evolving process; the Council, after the conclusion of the first review cycle, may review the modalities and the periodicity of this mechanism, based on best practices and lessons learned.

[b] A Universal Periodic Review Voluntary Trust Fund should be established to facilitate the participation of developing countries, particularly the Least Developed Countries, in the universal periodic review mechanism.

Office of the High Commissioner for Human Rights will provide the necessary assistance and expertise to the rapporteurs.

19. The country concerned may request that one of the rapporteurs be from its own Regional Group and may also request the substitution of a rapporteur on only one occasion.

20. A rapporteur may request to be excused from participation in a specific review process.

21. Interactive dialogue between the country under review and the Council will take place in the working group. The rapporteurs may collate issues or questions to be transmitted to the State under review to facilitate its preparation and focus the interactive dialogue, while guaranteeing fairness and transparency.

22. The duration of the review will be three hours for each country in the working group. Additional time of up to one hour will be allocated for the consideration of the outcome by the plenary of the Council.

23. Half an hour will be allocated for the adoption of the report of each country under review in the working group.

24. A reasonable time frame should be allocated between the review and the adoption of the report of each State in the working group.

25. The final outcome will be adopted by the plenary of the Council.

E. Outcome of the review

1. Format of the outcome

26. The format of the outcome of the review will be a report consisting of a summary of the proceedings of the review process; conclusions and/or recommendations, and the voluntary commitments of the State concerned.

2. Content of the outcome

27. The universal periodic review is a cooperative mechanism. Its outcome may include, inter alia:

(*a*) An assessment undertaken in an objective and transparent manner of the human rights situation in the country under review, including positive developments and the challenges faced by the country;

(*b*) Sharing of best practices;

(*c*) An emphasis on enhancing cooperation for the promotion and protection of human rights;

(*d*) The provision of technical assistance and capacity-building in consultation with, and with the consent of, the country concerned;[c]

(*e*) Voluntary commitments and pledges made by the country under review.

3. Adoption of the outcome

28. The country under review should be fully involved in the outcome.

29. Before the adoption of the outcome by the plenary of the Council, the State concerned should be offered the opportunity to present replies to questions or issues that were not sufficiently addressed during the interactive dialogue.

[c] A decision should be taken by the Council on whether to resort to existing financing mechanisms or to create a new mechanism.

30. The State concerned and the member States of the Council, as well as observer States, will be given the opportunity to express their views on the outcome of the review before the plenary takes action on it.

31. Other relevant stakeholders will have the opportunity to make general comments before the adoption of the outcome by the plenary.

32. Recommendations that enjoy the support of the State concerned will be identified as such. Other recommendations, together with the comments of the State concerned thereon, will be noted. Both will be included in the outcome report to be adopted by the Council.

F. Follow-up to the review

33. The outcome of the universal periodic review, as a cooperative mechanism, should be implemented primarily by the State concerned and, as appropriate, by other relevant stakeholders.

34. The subsequent review should focus, inter alia, on the implementation of the preceding outcome.

35. The Council should have a standing item on its agenda devoted to the universal periodic review.

36. The international community will assist in implementing the recommendations and conclusions regarding capacity-building and technical assistance, in consultation with, and with the consent of, the country concerned.

37. In considering the outcome of the universal periodic review, the Council will decide if and when any specific follow-up is necessary.

38. After exhausting all efforts to encourage a State to cooperate with the universal periodic review mechanism, the Council will address, as appropriate, cases of persistent non-cooperation with the mechanism.

II. SPECIAL PROCEDURES

A. Selection and appointment of mandate-holders

39. The following general criteria will be of paramount importance while nominating, selecting and appointing mandate-holders: (a) expertise; (b) experience in the field of the mandate; (c) independence; (d) impartiality; (e) personal integrity; and (f) objectivity.

40. Due consideration should be given to gender balance and equitable geographic representation, as well as to an appropriate representation of different legal systems.

41. Technical and objective requirements for eligible candidates for mandate-holders will be approved by the Council at its sixth session (first session of the second cycle), in order to ensure that eligible candidates are highly qualified individuals who possess established competence, relevant expertise and extensive professional experience in the field of human rights.

42. The following entities may nominate candidates as special procedures mandate-holders: (a) Governments; (b) Regional Groups operating within the United Nations human rights system; (c) international organizations or their offices (e.g. the Office of the High Commissioner for Human Rights); (d) non-governmental organizations; (e) other human rights bodies; (f) individual nominations.

43. The Office of the High Commissioner for Human Rights shall immediately prepare, maintain and periodically update a public list of eligible candidates in a standardized format, which shall include personal data, areas of expertise and professional experience. Upcoming vacancies of mandates shall be publicized.

44. The principle of non-accumulation of human rights functions at a time shall be respected.

45. A mandate-holder's tenure in a given function, whether a thematic or country mandate, will be no longer than six years (two terms of three years for thematic mandate-holders).

46. Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate-holders will act in their personal capacity.

47. A consultative group would be established to propose to the President, at least one month before the beginning of the session in which the Council would consider the selection of mandate-holders, a list of candidates who possess the highest qualifications for the mandates in question and meet the general criteria and particular requirements.

48. The consultative group shall also give due consideration to the exclusion of nominated candidates from the public list of eligible candidates brought to its attention.

49. At the beginning of the annual cycle of the Council, Regional Groups would be invited to appoint a member of the consultative group, who would serve in his/her personal capacity. The Group will be assisted by the Office of the High Commissioner for Human Rights.

50. The consultative group will consider candidates included in the public list; however, under exceptional circumstances and if a particular post justifies it, the Group may consider additional nominations with equal or more suitable qualifications for the post. Recommendations to the President shall be public and substantiated.

51. The consultative group should take into account, as appropriate, the views of stakeholders, including the current or outgoing mandate-holders, in determining the necessary expertise, experience, skills, and other relevant requirements for each mandate.

52. On the basis of the recommendations of the consultative group and following broad consultations, in particular through the regional coordinators, the President of the Council will identify an appropriate candidate for each vacancy. The President will present to member States and observers a list of candidates to be proposed at least two weeks prior to the beginning of the session in which the Council will consider the appointments.

53. If necessary, the President will conduct further consultations to ensure the endorsement of the proposed candidates. The appointment of the special procedures mandate-holders will be completed upon the subsequent approval of the Council. Mandate-holders shall be appointed before the end of the session.

B. Review, rationalization and improvement of mandates

54. The review, rationalization and improvement of mandates, as well as the creation of new ones, must be guided by the principles of universality, impartiality, objectivity and non-selectivity, constructive international dialogue and cooperation, with a view to enhancing the promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development.

55. The review, rationalization and improvement of each mandate would take place in the context of the negotiations of the relevant resolutions. An assessment of the mandate may take place in a separate segment of the interactive dialogue between the Council and special procedures mandate-holders.

56. The review, rationalization and improvement of mandates would focus on the relevance, scope and contents of the mandates, having as a framework the internationally recognized human rights standards, the system of special procedures and General Assembly resolution 60/251.

57. Any decision to streamline, merge or possibly discontinue mandates should always be guided by the need for improvement of the enjoyment and protection of human rights.

58. The Council should always strive for improvements:

(*a*) Mandates should always offer a clear prospect of an increased level of human rights protection and promotion as well as being coherent within the system of human rights;

(*b*) Equal attention should be paid to all human rights. The balance of thematic mandates should broadly reflect the accepted equal importance of civil, political, economic, social and cultural rights, including the right to development;

(*c*) Every effort should be made to avoid unnecessary duplication;

(*d*) Areas which constitute thematic gaps will be identified and addressed, including by means other than the creation of special procedures mandates, such as by expanding an existing mandate, bringing a cross-cutting issue to the attention of mandate-holders or by requesting a joint action to the relevant mandate-holders;

(*e*) Any consideration of merging mandates should have regard to the content and predominant functions of each mandate, as well as to the workload of individual mandate-holders;

(*f*) In creating or reviewing mandates, efforts should be made to identify whether the structure of the mechanism (expert, rapporteur or working group) is the most effective in terms of increasing human rights protection;

(*g*) New mandates should be as clear and specific as possible, so as to avoid ambiguity.

59. It should be considered desirable to have a uniform nomenclature of mandate-holders, titles of mandates as well as a selection and appointment process, to make the whole system more understandable.

60. Thematic mandate periods will be of three years. Country mandate periods will be of one year.

61. Mandates included in Appendix I, where applicable, will be renewed until the date on which they are considered by the Council according to the programme of work.[d]

62. Current mandate-holders may continue serving, provided they have not exceeded the six-year term limit (Appendix II). On an exceptional basis, the term of those mandate-holders who have served more than six years may be extended until the relevant mandate is considered by the Council and the selection and appointment process has concluded.

63. Decisions to create, review or discontinue country mandates should also take into account the principles of cooperation and genuine dialogue aimed at strengthening the capacity of Member States to comply with their human rights obligations.

64. In case of situations of violations of human rights or a lack of cooperation that require the Council's attention, the principles of objectivity, non-selectivity, and the elimination of double standards and politicization should apply.

III. HUMAN RIGHTS COUNCIL ADVISORY COMMITTEE

65. The Human Rights Council Advisory Committee (hereinafter "the Advisory Committee"), composed of 18 experts serving in their personal capacity, will function as a think-tank for the Council and work at its direction. The establishment of this subsidiary body and its functioning will be executed according to the guidelines stipulated below.

[d] Country mandates meet the following criteria:

- There is a pending mandate of the Council to be accomplished; or
- There is a pending mandate of the General Assembly to be accomplished; or
- The nature of the mandate is for advisory services and technical assistance.

A. Nomination

66. All Member States of the United Nations may propose or endorse candidates from their own region. When selecting their candidates, States should consult their national human rights institutions and civil society organizations and, in this regard, include the names of those supporting their candidates.

67. The aim is to ensure that the best possible expertise is made available to the Council. For this purpose, technical and objective requirements for the submission of candidatures will be established and approved by the Council at its sixth session (first session of the second cycle). These should include:

(*a*) Recognized competence and experience in the field of human rights;

(*b*) High moral standing;

(*c*) Independence and impartiality.

68. Individuals holding decision-making positions in Government or in any other organization or entity which might give rise to a conflict of interest with the responsibilities inherent in the mandate shall be excluded. Elected members of the Committee will act in their personal capacity.

69. The principle of non-accumulation of human rights functions at the same time shall be respected.

B. Election

70. The Council shall elect the members of the Advisory Committee, in secret ballot, from the list of candidates whose names have been presented in accordance with the agreed requirements.

71. The list of candidates shall be closed two months prior to the election date. The Secretariat will make available the list of candidates and relevant information to member States and to the public at least one month prior to their election.

72. Due consideration should be given to gender balance and appropriate representation of different civilizations and legal systems.

73. The geographic distribution will be as follows:

African States: 5

Asian States: 5

Eastern European States: 2

Latin American and Caribbean States: 3

Western European and other States: 3

74. The members of the Advisory Committee shall serve for a period of three years. They shall be eligible for re-election once. In the first term, one third of the experts will serve for one year and another third for two years. The staggering of terms of membership will be defined by the drawing of lots.

C. Functions

75. The function of the Advisory Committee is to provide expertise to the Council in the manner and form requested by the Council, focusing mainly on studies and research-based advice. Further, such expertise shall be rendered only upon the latter's request, in compliance with its resolutions and under its guidance.

76. The Advisory Committee should be implementation-oriented and the scope of its advice should be limited to thematic issues pertaining to the mandate of the Council; namely promotion and protection of all human rights.

77. The Advisory Committee shall not adopt resolutions or decisions. The Advisory Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency, as well as further research proposals within the scope of the work set out by the Council.

78. The Council shall issue specific guidelines for the Advisory Committee when it requests a substantive contribution from the latter and shall review all or any portion of those guidelines if it deems necessary in the future.

D. Methods of work

79. The Advisory Committee shall convene up to two sessions for a maximum of 10 working days per year. Additional sessions may be scheduled on an ad hoc basis with prior approval of the Council.

80. The Council may request the Advisory Committee to undertake certain tasks that could be performed collectively, through a smaller team or individually. The Advisory Committee will report on such efforts to the Council.

81. Members of the Advisory Committee are encouraged to communicate between sessions, individually or in teams. However, the Advisory Committee shall not establish subsidiary bodies unless the Council authorizes it to do so.

82. In the performance of its mandate, the Advisory Committee is urged to establish interaction with States, national human rights institutions, non-governmental organizations and other civil society entities in accordance with the modalities of the Council.

83. Member States and observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations shall be entitled to participate in the work of the Advisory Committee based on arrangements, including Economic and Social Council resolution 1996/31 and practices observed by the Commission on Human Rights and the Council, while ensuring the most effective contribution of these entities.

84. The Council will decide at its sixth session (first session of its second cycle) on the most appropriate mechanisms to continue the work of the Working Groups on Indigenous Populations; Contemporary Forms of Slavery; Minorities; and the Social Forum.

IV. COMPLAINT PROCEDURE

A. Objective and scope

85. A complaint procedure is being established to address consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

86. Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970 as revised by resolution 2000/3 of 19 June 2000 served as a working basis and was improved where necessary, so as to ensure that the complaint procedure is impartial, objective, efficient, victims-oriented and conducted in a timely manner. The procedure will retain its confidential nature, with a view to enhancing cooperation with the State concerned.

B. Admissibility criteria for communications

87. A communication related to a violation of human rights and fundamental freedoms, for the purpose of this procedure, shall be admissible, provided that:

(*a*) It is not manifestly politically motivated and its object is consistent with the Charter of the United Nations, the Universal Declaration of Human Rights and other applicable instruments in the field of human rights law;

(*b*) It gives a factual description of the alleged violations, including the rights which are alleged to be violated;

(*c*) Its language is not abusive. However, such a communication may be considered if it meets the other criteria for admissibility after deletion of the abusive language;

(*d*) It is submitted by a person or a group of persons claiming to be the victims of violations of human rights and fundamental freedoms, or by any person or group of persons, including non-governmental organizations, acting in good faith in accordance with the principles of human rights, not resorting to politically motivated stands contrary to the provisions of the Charter of the United Nations and claiming to have direct and reliable knowledge of the violations concerned. Nonetheless, reliably attested communications shall not be inadmissible solely because the knowledge of the individual authors is second-hand, provided that they are accompanied by clear evidence;

(*e*) It is not exclusively based on reports disseminated by mass media;

(*f*) It does not refer to a case that appears to reveal a consistent pattern of gross and reliably attested violations of human rights already being dealt with by a special procedure, a treaty body or other United Nations or similar regional complaints procedure in the field of human rights;

(*g*) Domestic remedies have been exhausted, unless it appears that such remedies would be ineffective or unreasonably prolonged.

88. National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

C. Working groups

89. Two distinct working groups shall be established with the mandate to examine the communications and to bring to the attention of the Council consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms.

90. Both working groups shall, to the greatest possible extent, work on the basis of consensus. In the absence of consensus, decisions shall be taken by simple majority of the votes. They may establish their own rules of procedure.

1. Working Group on Communications: composition, mandate and powers

91. The Human Rights Council Advisory Committee shall appoint five of its members, one from each Regional Group, with due consideration to gender balance, to constitute the Working Group on Communications.

92. In case of a vacancy, the Advisory Committee shall appoint an independent and highly qualified expert of the same Regional Group from the Advisory Committee.

93. Since there is a need for independent expertise and continuity with regard to the examination and assessment of communications received, the independent and highly qualified experts of the Working Group on Communications shall be appointed for three years. Their mandate is renewable only once.

94. The Chairperson of the Working Group on Communications is requested, together with the secretariat, to undertake an initial screening of communications received, based on the admissibility criteria, before transmitting them to the States concerned. Manifestly ill-founded or anonymous communications shall be screened out by the Chairperson and shall therefore not be transmitted to the State concerned. In a perspective of accountability and transparency, the Chairperson of the Working Group on Communications shall provide all its members with a list of all communications rejected after initial screening. This list should indicate the grounds of all decisions resulting in the rejection of a communication. All other communications, which have not been screened out, shall be transmitted to the State concerned, so as to obtain the views of the latter on the allegations of violations.

95. The members of the Working Group on Communications shall decide on the admissibility of a communication and assess the merits of the allegations of violations, including whether the communication alone or in combination with other communications appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. The Working Group on Communications shall provide the Working Group on Situations with a file containing all admissible communications as well as recommendations thereon. When the Working Group on Communications requires further consideration or additional information, it may keep a case under review until its next session and request such information from the State concerned. The Working Group on Communications may decide to dismiss a case. All decisions of the Working Group on Communications shall be based on a rigorous application of the admissibility criteria and duly justified.

2. Working Group on Situations: composition, mandate and powers

96. Each Regional Group shall appoint a representative of a member State of the Council, with due consideration to gender balance, to serve on the Working Group on Situations. Members shall be appointed for one year. Their mandate may be renewed once, if the State concerned is a member of the Council.

97. Members of the Working Group on Situations shall serve in their personal capacity. In order to fill a vacancy, the respective Regional Group to which the vacancy belongs, shall appoint a representative from member States of the same Regional Group.

98. The Working Group on Situations is requested, on the basis of the information and recommendations provided by the Working Group on Communications, to present the Council with a report on consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms and to make recommendations to the Council on the course of action to take, normally in the form of a draft resolution or decision with respect to the situations referred to it. When the Working Group on Situations requires further consideration or additional information, its members may keep a case under review until its next session. The Working Group on Situations may also decide to dismiss a case.

99. All decisions of the Working Group on Situations shall be duly justified and indicate why the consideration of a situation has been discontinued or action recommended thereon. Decisions to discontinue should be taken by consensus; if that is not possible, by simple majority of the votes.

D. Working modalities and confidentiality

100. Since the complaint procedure is to be, inter alia, victims-oriented and conducted in a confidential and timely manner, both Working Groups shall meet at least twice a year for five working days each session, in order to promptly examine the communications received, including replies of States thereon, and the situations of which the Council is already seized under the complaint procedure.

101. The State concerned shall cooperate with the complaint procedure and make every effort to provide substantive replies in one of the United Nations official languages to any of the requests of the Working Groups or the Council. The State concerned shall also make every effort to provide a reply not later than three months after the request has been made. If necessary, this deadline may however be extended at the request of the State concerned.

102. The Secretariat is requested to make the confidential files available to all members of the Council, at least two weeks in advance, so as to allow sufficient time for the consideration of the files.

103. The Council shall consider consistent patterns of gross and reliably attested violations of human rights and fundamental freedoms brought to its attention by the Working Group on Situations as frequently as needed, but at least once a year.

104. The reports of the Working Group on Situations referred to the Council shall be examined in a confidential manner, unless the Council decides otherwise. When the

Working Group on Situations recommends to the Council that it consider a situation in a public meeting, in particular in the case of manifest and unequivocal lack of cooperation, the Council shall consider such recommendation on a priority basis at its next session.

105. So as to ensure that the complaint procedure is victims-oriented, efficient and conducted in a timely manner, the period of time between the transmission of the complaint to the State concerned and consideration by the Council shall not, in principle, exceed 24 months.

E. Involvement of the complainant and of the State concerned

106. The complaint procedure shall ensure that both the author of a communication and the State concerned are informed of the proceedings at the following key stages:

(*a*) When a communication is deemed inadmissible by the Working Group on Communications or when it is taken up for consideration by the Working Group on Situations; or when a communication is kept pending by one of the Working Groups or by the Council;

(*b*) At the final outcome.

107. In addition, the complainant shall be informed when his/her communication is registered by the complaint procedure.

108. Should the complainant request that his/her identity be kept confidential, it will not be transmitted to the State concerned.

F. Measures

109. In accordance with established practice the action taken in respect of a particular situation should be one of the following options:

(*a*) To discontinue considering the situation when further consideration or action is not warranted;

(*b*) To keep the situation under review and request the State concerned to provide further information within a reasonable period of time;

(*c*) To keep the situation under review and appoint an independent and highly qualified expert to monitor the situation and report back to the Council;

(*d*) To discontinue reviewing the matter under the confidential complaint procedure in order to take up public consideration of the same;

(*e*) To recommend to OHCHR to provide technical cooperation, capacity-building assistance or advisory services to the State concerned.

V. AGENDA AND FRAMEWORK FOR THE PROGRAMME OF WORK

A. Principles

Universality

Impartiality

Objectivity

Non-selectiveness

Constructive dialogue and cooperation

Predictability

Flexibility

Transparency

Accountability

Balance

Inclusive/comprehensive

Gender perspective

Implementation and follow-up of decisions

B. Agenda

Item 1. Organizational and procedural matters

Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Item 4. Human rights situations that require the Council's attention

Item 5. Human rights bodies and mechanisms

Item 6. Universal Periodic Review

Item 7. Human rights situation in Palestine and other occupied Arab territories

Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action

Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Item 10. Technical assistance and capacity-building

C. Framework for the programme of work

Item 1. Organizational and procedural matters

Election of the Bureau

Adoption of the annual programme of work

Adoption of the programme of work of the session, including other business

Selection and appointment of mandate-holders

Election of members of the Human Rights Council Advisory Committee

Adoption of the report of the session

Adoption of the annual report

Item 2. Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Presentation of the annual report and updates

Item 3. Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Economic, social and cultural rights

Civil and political rights

Rights of peoples, and specific groups and individuals

Right to development

Interrelation of human rights and human rights thematic issues

Item 4. Human rights situations that require the Council's attention

Item 5. Human rights bodies and mechanisms

Report of the Human Rights Council Advisory Committee

Report of the complaint procedure

Item 6. Universal Periodic Review

Item 7. Human rights situation in Palestine and other occupied Arab territories

Human rights violations and implications of the Israeli occupation of Palestine and other occupied Arab territories

Right to self-determination of the Palestinian people

Item 8. Follow-up and implementation of the Vienna Declaration and Programme of Action

Item 9. Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action

Item 10. Technical assistance and capacity-building

VI. METHODS OF WORK

110. The methods of work, pursuant to General Assembly resolution 60/251 should be transparent, impartial, equitable, fair, pragmatic; lead to clarity, predictability, and inclusiveness. They may also be updated and adjusted over time.

A. Institutional arrangements

1. Briefings on prospective resolutions or decisions

111. The briefings on prospective resolutions or decisions would be informative only, whereby delegations would be apprised of resolutions and/or decisions tabled or intended to be tabled. These briefings will be organized by interested delegations.

2. President's open-ended information meetings on resolutions, decisions and other related business

112. The President's open-ended information meetings on resolutions, decisions and other related business shall provide information on the status of negotiations on draft resolutions and/or decisions so that delegations may gain a bird's eye view of the status of such drafts. The consultations shall have a purely informational function, combined with information on the extranet, and be held in a transparent and inclusive manner. They shall not serve as a negotiating forum.

3. Informal consultations on proposals convened by main sponsors

113. Informal consultations shall be the primary means for the negotiation of draft resolutions and/or decisions, and their convening shall be the responsibility of the sponsor(s). At least one informal open-ended consultation should be held on each draft resolution and/or decision before it is considered for action by the Council. Consultations should, as much as possible, be scheduled in a timely, transparent and inclusive manner that takes into account the constraints faced by delegations, particularly smaller ones.

4. Role of the Bureau

114. The Bureau shall deal with procedural and organizational matters. The Bureau shall regularly communicate the contents of its meetings through a timely summary report.

5. Other work formats may include panel debates, seminars and round tables

115. Utilization of these other work formats, including topics and modalities, would be decided by the Council on a case-by-case basis. They may serve as tools of the Council for enhancing dialogue and mutual understanding on certain issues. They should be utilized in the context of the Council's agenda and annual programme of work, and reinforce and/or complement its intergovernmental nature. They shall not be used to substitute or replace existing human rights mechanisms and established methods of work.

6. High-Level Segment

116. The High-Level Segment shall be held once a year during the main session of the Council. It shall be followed by a general segment wherein delegations that did not participate in the High-Level Segment may deliver general statements.

B. Working culture

117. There is a need for:

(*a*) Early notification of proposals;

(*b*) Early submission of draft resolutions and decisions, preferably by the end of the penultimate week of a session;

(*c*) Early distribution of all reports, particularly those of special procedures, to be transmitted to delegations in a timely fashion, at least 15 days in advance of their consideration by the Council, and in all official United Nations languages;

(*d*) Proposers of a country resolution to have the responsibility to secure the broadest possible support for their initiatives (preferably 15 members), before action is taken;

(*e*) Restraint in resorting to resolutions, in order to avoid proliferation of resolutions without prejudice to the right of States to decide on the periodicity of presenting their draft proposals by:

(i) Minimizing unnecessary duplication of initiatives with the General Assembly/Third Committee;

(ii) Clustering of agenda items;

(iii) Staggering the tabling of decisions and/or resolutions and consideration of action on agenda items/issues.

C. Outcomes other than resolutions and decisions

118. These may include recommendations, conclusions, summaries of discussions and President's Statement. As such outcomes would have different legal implications, they should supplement and not replace resolutions and decisions.

D. Special sessions of the Council

119. The following provisions shall complement the general framework provided by General Assembly resolution 60/251 and the rules of procedure of the Human Rights Council.

120. The rules of procedure of special sessions shall be in accordance with the rules of procedure applicable for regular sessions of the Council.

121. The request for the holding of a special session, in accordance with the requirement established in paragraph 10 of General Assembly resolution 60/251, shall be submitted to the President and to the secretariat of the Council. The request shall specify the item proposed for consideration and include any other relevant information the sponsors may wish to provide.

122. The special session shall be convened as soon as possible after the formal request is communicated, but, in principle, not earlier than two working days, and not later than five working days after the formal receipt of the request. The duration of the special session shall not exceed three days (six working sessions), unless the Council decides otherwise.

123. The secretariat of the Council shall immediately communicate the request for the holding of a special session and any additional information provided by the sponsors in the request, as well as the date for the convening of the special session, to all United Nations Member States and make the information available to the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as to non-governmental organizations in consultative status by the most expedient and expeditious means of communication. Special session documentation, in particular draft resolutions and decisions, should be made available in all official United Nations languages to all States in an equitable, timely and transparent manner.

124. The President of the Council should hold open-ended informative consultations before the special session on its conduct and organization. In this regard, the secretariat may also be requested to provide additional information, including, on the methods of work of previous special sessions.

125. Members of the Council, concerned States, observer States, specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations in consultative status may contribute to the special session in accordance with the rules of procedure of the Council.

126. If the requesting or other States intend to present draft resolutions or decisions at the special session, texts should be made available in accordance with the Council's relevant rules of procedure. Nevertheless, sponsors are urged to present such texts as early as possible.

127. The sponsors of a draft resolution or decision should hold open-ended consultations on the text of their draft resolution(s) or decision(s) with a view to achieving the widest participation in their consideration and, if possible, achieving consensus on them.

128. A special session should allow participatory debate, be results-oriented and geared to achieving practical outcomes, the implementation of which can be monitored and reported on at the following regular session of the Council for possible follow-up decision.

VII. RULES OF PROCEDURE[c]

SESSIONS

Rules of procedure

Rule 1

The Human Rights Council shall apply the rules of procedure established for the Main Committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council.

REGULAR SESSIONS

Number of sessions

Rule 2

The Human Rights Council shall meet regularly throughout the year and schedule no fewer than three sessions per Council year, including a main session, for a total duration of no less than 10 weeks.

[c] Figures indicated in square brackets refer to identical or corresponding rules of the General Assembly or its Main Committees (A/520/Rev.16).

Assumption of membership

Rule 3

Newly-elected member States of the Human Rights Council shall assume their membership on the first day of the Council year, replacing member States that have concluded their respective membership terms.

Place of meeting

Rule 4

The Human Rights Council shall be based in Geneva.

SPECIAL SESSIONS

Convening of special sessions

Rule 5

The rules of procedure of special sessions of the Human Rights Council will be the same as the rules of procedure applicable for regular sessions of the Human Rights Council.

Rule 6

The Human Rights Council shall hold special sessions, when needed, at the request of a member of the Council with the support of one third of the membership of the Council.

PARTICIPATION OF AND CONSULTATION WITH OBSERVERS OF THE COUNCIL

Rule 7

(a) The Council shall apply the rules of procedure established for committees of the General Assembly, as applicable, unless subsequently otherwise decided by the Assembly or the Council, and the participation of and consultation with observers, including States that are not members of the Council, the specialized agencies, other intergovernmental organizations and national human rights institutions, as well as non-governmental organizations, shall be based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, while ensuring the most effective contribution of these entities.

(b) Participation of national human rights institutions shall be based on arrangements and practices agreed upon by the Commission on Human Rights, including resolution 2005/74 of 20 April 2005, while ensuring the most effective contribution of these entities.

ORGANIZATION OF WORK AND AGENDA FOR REGULAR SESSIONS

Organizational meetings

Rule 8

(a) At the beginning of each Council year, the Council shall hold an organizational meeting to elect its Bureau and to consider and adopt the agenda, programme of work, and calendar of regular sessions for the Council year indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item.

(b) The President of the Council shall also convene organizational meetings two weeks before the beginning of each session and, if necessary, during the Council sessions to discuss organizational and procedural issues pertinent to that session.

PRESIDENT AND VICE-PRESIDENTS

Elections

Rule 9

(a) At the beginning of each Council year, at its organizational meeting, the Council shall elect, from among the representatives of its members, a President and four Vice-Presidents. The President and the Vice-Presidents shall constitute the Bureau. One of the Vice-Presidents shall serve as Rapporteur.

(b) In the election of the President of the Council, regard shall be had for the equitable geographical rotation of this office among the following Regional Groups: African States, Asian States, Eastern European States, Latin American and Caribbean States, and Western European and other States. The four Vice-Presidents of the Council shall be elected on the basis of equitable geographical distribution from the Regional Groups other than the one to which the President belongs. The selection of the Rapporteur shall be based on geographic rotation.

Bureau

Rule 10

The Bureau shall deal with procedural and organizational matters.

Term of office

Rule 11

The President and the Vice-Presidents shall, subject to rule 13, hold office for a period of one year. They shall not be eligible for immediate re-election to the same post.

Absence of officers

Rule 12 [105]

If the President finds it necessary to be absent during a meeting or any part thereof, he/she shall designate one of the Vice-Presidents to take his/her place. A Vice-President acting as President shall have the same powers and duties as the President. If the President ceases to hold office pursuant to rule 13, the remaining members of the Bureau shall designate one of the Vice-Presidents to take his/her place until the election of a new President.

Replacement of the President or a Vice-President

Rule 13

If the President or any Vice-President ceases to be able to carry out his/her functions or ceases to be a representative of a member of the Council, or if the Member of the United Nations of which he/she is a representative ceases to be a member of the Council, he/she shall cease to hold such office and a new President or Vice-President shall be elected for the unexpired term.

SECRETARIAT

Duties of the secretariat

Rule 14 [47]

The Office of the United Nations High Commissioner for Human Rights shall act as secretariat for the Council. In this regard, it shall receive, translate, print and circulate in all official United Nations languages, documents, reports and resolutions of the Council, its committees and its organs; interpret speeches made at the meetings; prepare, print and circulate the records of the session; have the custody and proper preservation of the documents in the archives of the Council; distribute all documents of the Council to the

members of the Council and observers and, generally, perform all other support functions which the Council may require.

RECORDS AND REPORT

Report to the General Assembly

Rule 15

The Council shall submit an annual report to the General Assembly.

PUBLIC AND PRIVATE MEETINGS OF THE HUMAN RIGHTS COUNCIL

General principles

Rule 16 [60]

The meetings of the Council shall be held in public unless the Council decides that exceptional circumstances require the meeting be held in private.

Private meetings

Rule 17 [61]

All decisions of the Council taken at a private meeting shall be announced at an early public meeting of the Council.

CONDUCT OF BUSINESS

Working groups and other arrangements

Rule 18

The Council may set up working groups and other arrangements. Participation in these bodies shall be decided upon by the members, based on rule 7. The rules of procedure of these bodies shall follow those of the Council, as applicable, unless decided otherwise by the Council.

Quorum

Rule 19 [67]

The President may declare a meeting open and permit the debate to proceed when at least one third of the members of the Council are present. The presence of a majority of the members shall be required for any decision to be taken.

Majority required

Rule 20 [125]

Decisions of the Council shall be made by a simple majority of the members present and voting, subject to rule 19.

Appendix I

RENEWED MANDATES UNTIL THEY COULD BE CONSIDERED BY THE HUMAN RIGHTS COUNCIL ACCORDING TO ITS ANNUAL PROGRAMME OF WORK

Independent expert appointed by the Secretary-General on the situation of human rights in Haiti

Independent expert appointed by the Secretary-General on the situation of human rights in Somalia

Independent expert on the situation of human rights in Burundi

Independent expert on technical cooperation and advisory services in Liberia

Independent expert on the situation of human rights in the Democratic Republic of the Congo

Independent expert on human rights and international solidarity

Independent expert on minority issues

Independent expert on the effects of economic reform policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

Independent expert on the question of human rights and extreme poverty

Special Rapporteur on the situation of human rights in the Sudan

Special Rapporteur on the situation of human rights in Myanmar

Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (The duration of this mandate has been established until the end of the occupation.)

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living

Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Special Rapporteur on extrajudicial, summary or arbitrary executions

Special Rapporteur on freedom of religion or belief

Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children

Special Rapporteur on the human rights of migrants

Special Rapporteur on the independence of judges and lawyers

Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Special Rapporteur on the right to education

Special Rapporteur on the right to food

Special Rapporteur on the sale of children, child prostitution and child pornography

Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Special Rapporteur on violence against women, its causes and consequences

Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

Special Representative of the Secretary-General for human rights in Cambodia

Special Representative of the Secretary-General on the situation of human rights defenders

Representative of the Secretary-General on human rights of internally displaced persons

Working Group of Experts on People of African Descent

Working Group on Arbitrary Detention

Working Group on Enforced or Involuntary Disappearances

Working Group on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

Appendix II

TERMS IN OFFICE OF MANDATE-HOLDERS

Mandate-holder	Mandate	Terms in office
Charlotte Abaka	Independent Expert on the situation of human rights in Liberia	July 2006 (first term)
Yakin Ertürk	Special Rapporteur on violence against women, its causes and consequences	July 2006 (first term)
Manuela Carmena Castrillo	Working Group on Arbitrary Detention	July 2006 (first term)
Joel Adebayo Adekanye	Working Group on Enforced or Involuntary Disappearances	July 2006 (second term)
Saeed Rajaee Khorasani	Working Group on Enforced or Involuntary Disappearances	July 2006 (first term)
Joe Frans	Working Group on people of African descent	July 2006 (first term)
Leandro Despouy	Special Rapporteur on the independence of judges and lawyers	August 2006 (first term)
Hina Jilani	Special Representative of the Secretary-General on the situation of human rights defenders	August 2006 (second term)
Soledad Villagra de Biedermann	Working Group on Arbitrary Detention	August 2006 (second term)
Miloon Kothari	Special Rapporteur on adequate housing as a component of the right to an adequate standard of living	September 2006 (second term)
Jean Ziegler	Special Rapporteur on the right to food	September 2006 (second term)
Paulo Sérgio Pinheiro	Special Rapporteur on the situation of human rights in Myanmar	December 2006 (second term)
Darko Göttlicher	Working Group on Enforced or Involuntary Disappearances	January 2007 (first term)

Mandate-holder	Mandate	Terms in office
Tamás Bán	Working Group on Arbitrary Detention	April 2007 (second term)
Ghanim Alnajjar	Independent Expert appointed by the Secretary-General on the situation of human rights in Somalia	May 2007 (second term)
John Dugard	Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967	June 2007 (second term)
Rodolfo Stavenhagen	Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people	June 2007 (second term)
Arjun Sengupta	Independent Expert on the question of human rights and extreme poverty	July 2007 (first term)
Akich Okola	Independent Expert on the situation of human rights in Burundi	July 2007 (first term)
Titinga Frédéric Pacéré	Independent Expert on the situation of human rights in the Democratic Republic of the Congo	July 2007 (first term)
Philip Alston	Special Rapporteur on extrajudicial, summary or arbitrary executions	July 2007 (first term)
Asma Jahangir	Special Rapporteur on freedom of religion or belief	July 2007 (first term)
Okechukwu Ibeanu	Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights	July 2007 (first term)
Vernor Muñoz Villalobos	Special Rapporteur on the right to education	July 2007 (first term)
Juan Miguel Petit	Special Rapporteur on the sale of children, child prostitution and child pornography	July 2007 (second term)
Vitit Muntarbhorn	Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea	July 2007 (first term)
Leila Zerrougui	Working Group on Arbitrary Detention	August 2007 (second term)
Santiago Corcuera Cabezut	Working Group on Enforced or Involuntary Disappearances	August 2007 (first term)
Walter Kälin	Representative of the Secretary-General on the human rights of internally displaced persons	September 2007 (first term)
Sigma Huda	Special Rapporteur on trafficking in persons, especially in women and children	October 2007 (first term)

Mandate-holder	Mandate	Terms in office
Bernards Andrew Nyamwaya Mudho	Independent Expert on the effects of economic reform policies and foreign debt on the full enjoyment of human rights, particularly economic, social and cultural rights	November 2007 (second term)
Manfred Nowak	Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment	November 2007 (first term)
Louis Joinet	Independent Expert appointed by the Secretary-General on the situation of human rights in Haiti	February 2008 (second term)
Rudi Muhammad Rizki	Independent Expert on human rights and international solidarity	July 2008 (first term)
Gay McDougall	Independent Expert on minority issues	July 2008 (first term)
Doudou Diène	Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance	July 2008 (second term)
Jorge A. Bustamante	Special Rapporteur on the human rights of migrants	July 2008 (first term)
Martin Scheinin	Special Rapporteur on the promotion and protection of human rights while countering terrorism	July 2008 (first term)
Sima Samar	Special Rapporteur on the situation of human rights in the Sudan	July 2008 (first term)
John Ruggie	Special Representative of the Secretary-General on human rights and transnational corporations and other business enterprises	July 2008 (first term)
Seyyed Mohammad Hashemi	Working Group on Arbitrary Detention	July 2008 (second term)
Najat Al-Hajjaji	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Amada Benavides de Pérez	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Alexander Ivanovich Nikitin	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2008 (first term)
Shaista Shameem	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	July 2007 (first term)
Ambeyi Ligabo	Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression	August 2008 (second term)

Mandate-holder	Mandate	Terms in office
Paul Hunt	Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health	August 2008 (second term)
Peter Lesa Kasanda	Working Group on people of African descent	August 2008 (second term)
Stephen J. Toope	Working Group on Enforced or Involuntary Disappearances	September 2008 (second term)
George N. Jabbour	Working Group on people of African descent	September 2008 (second term)
Irina Zlatescu	Working Group on people of African descent	October 2008 (second term)
José Gómez del Prado	Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination	October 2008 (first term)
Yash Ghai	Special Representative of the Secretary-General for human rights in Cambodia	November 2008 (first term)

7. At its 47th meeting, on 16 November, the Committee had before it a statement of programme budget implications of draft resolution A/C.3/62/L.32, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/62/L.60).

8. At the same meeting, the representative of Cuba, on behalf of the States Members of the United Nations that are members of the Movement of Non-Aligned Countries and Armenia, Brazil, China, Costa Rica, El Salvador, Kazakhstan, Liechtenstein, Mexico, New Zealand, Norway, the Russian Federation, Switzerland and Uruguay, introduced an amendment (A/C.3/62/L.84), by which the text of the draft resolution contained in document A/C.3/62/L.32 would be replaced by the text contained in document A/C.3/62/L.84, and the title would read "Report of the Human Rights Council".

9. The Committee was informed that the statement of programme budget implications (A/C.3/62/L.60) applied also to the amendment contained in document A/C.3/62/L.84.

10. Statements were made by the representatives of Israel and the United States of America (see A/C.3/62/SR.47).

11. The Committee then adopted the amendment contained in document A/C.3/62/L.84.

12. Also at the 47th meeting, at the request of the representative of Israel, the Committee voted on draft resolution A/C.3/62/L.32, as amended by document

A/C.3/62/L.84. The draft resolution, as amended, was adopted by a recorded vote of 165 to 7, with 3 abstentions (see para. 16). The voting was as follows:[2]

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, The former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, Micronesia (Federated States of), Palau, United States of America.

Abstaining:

Equatorial Guinea, Nauru, Swaziland.

13. Before the vote, statements were made by the representatives of the United States of America, Palau, Israel, Micronesia (Federated States of), Belarus, Australia, Canada and China; after the vote, statements were made by the representatives of Pakistan, Cuba, Portugal (on behalf of the States Members of the United Nations that are members of the European Union and associated countries), the Netherlands, Poland, Japan, Iran (Islamic Republic of), the United Kingdom of Great Britain and Northern Ireland, Liechtenstein, France, the Czech Republic, the Syrian Arab Republic and the Sudan; the observer for Palestine also made a statement (see A/C.3/62/SR.47).

[2] The delegation of Bosnia and Herzegovina subsequently indicated that, had it been present, it would have voted in favour; the delegations of Equatorial Guinea and Swaziland subsequently indicated that they had intended to vote in favour.

B. Draft decision proposed by the Chairman

14. At its 47th meeting, on 16 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the report of the Human Rights Council on its second, third, fourth and fifth sessions, its first organizational meeting and its third and fourth special sessions (see para. 17).

15. Before the draft decision was adopted, statements were made by the representatives of Israel, the United States of America, Palau and the Sudan (see A/C.3/62/SR.47).

III. Recommendations of the Third Committee

16. The Third Committee recommends to the General Assembly the adoption of the following draft resolution.

Report of the Human Rights Council

The General Assembly,

Taking note of Human Rights Council resolutions 5/1, entitled "Institution-building of the United Nations Human Rights Council", and 5/2, entitled "Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council", of 18 June 2007,[1]

Endorses the decision of the Human Rights Council to adopt resolutions 5/1 and 5/2 of 18 June 2007, including their annexes and appendices.

[1] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. IV, sect. A.

17. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Human Rights Council

The General Assembly takes note of the report of the Human Rights Council on its second, third, fourth and fifth sessions, its first organizational meeting and its third and fourth special sessions.[1]

[1] *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53).

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Agenda item 66

Promotion and protection of the rights of children

Report of the Third Committee

Rapporteur: Ms. Tebatso Future **Baleseng** (Botswana)

I. Introduction

1. At its 3rd plenary meeting, on 21 September 2007, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-second session the item entitled:

"Promotion and protection of the rights of children:

"(a) Promotion and protection of the rights of children;

"(b) Follow-up to the outcome of the special session on children"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item at its 14th to 18th meetings, from 17 to 19 October 2007, and took up proposals relating to the item at its 21st, 29th, 32nd, 34th, 48th, 53rd and 54th meetings, on 23, 29 and 31 October and on 1, 19, 27 and 28 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/62/SR.14-18, 21, 29, 32, 34, 48, 53 and 54).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the status of the Convention on the Rights of the Child (A/62/182);

(b) Report of the Secretary-General on the follow-up to the special session of the General Assembly on children (A/62/259);

(c) Report of the Secretary-General on the girl child (A/62/297);

(d) Report of the Special Representative of the Secretary-General for Children and Armed Conflict (A/62/228);

07-62459 (E) 141207

(e) Note by the Secretary-General transmitting the report of the independent expert for the United Nations study on violence against children (A/62/209);

(f) Letter dated 4 September 2007 from the representative of Uzbekistan to the Secretary-General (A/62/319);

(g) Letter dated 27 September 2007 from the representative of Ukraine to the Secretary-General (A/C.3/62/2).

4. At its 14th meeting, on 17 October, the Committee heard introductory statements by the Executive Director of the United Nations Children's Fund (UNICEF) and the Special Representative of the Secretary-General for Children and Armed Conflict (see A/C.3/62/SR.14).

5. Also at its 14th meeting, the Committee viewed a video and heard, at its invitation, a statement by the author Ishmael Beah (see A/C.3/62/SR.14).

6. At the same meeting, the representatives of Gabon, Palestine, Norway, Côte d'Ivoire, the Russian Federation, Lebanon, Chile, the Syrian Arab Republic, Israel, Australia, the Republic of Korea, Nigeria and Sierra Leone posed questions and made comments to the Executive Director of UNICEF, the Special Representative of the Secretary-General for Children and Armed Conflict and Mr. Beah (see A/C.3/62/SR.14).

7. Also at the 14th meeting, a statement was made by the Director of the New York liaison office of the Office of the United Nations High Commissioner for Human Rights, and the Chairperson of the Committee on the Rights of the Child made an oral report (see A/C.3/62/SR.14).

II. Consideration of proposals

A. Draft resolutions A/C.3/62/L.21 and Rev.1

8. At the 32nd meeting, on 31 October, the representative of Senegal, on behalf of Botswana, Chile, Côte d'Ivoire, the Democratic Republic of the Congo, Eritrea, Jamaica, the Niger, Nigeria, Norway, Senegal, South Africa and Zambia, introduced a draft resolution entitled "Supporting efforts to end obstetric fistula" (A/C.3/62/L.21). Subsequently, Canada, the Dominican Republic, Mali, Morocco, the Sudan and Uganda joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Reaffirming* the Beijing Declaration and Platform for Action, the outcome of the twenty-third special session of the General Assembly, entitled 'Women 2000: gender equality, development and peace for the twenty-first century', and the declaration adopted at the forty-ninth session of the Commission on the Status of Women,

"*Reaffirming also* the international commitments in the field of social development and to gender equality and the advancement of women made at the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the World Conference against Racism, Racial Discrimination, Xenophobia and

Related Intolerance, as well as those made in the United Nations Millennium Declaration and at the 2005 World Summit,

"*Stressing* the interlinkages between poverty, malnutrition, poor health services, early childbearing, violence against young women and girls and gender discrimination as root causes of obstetric fistula and the fact that, in this regard, poverty remains the main social risk factor because of its association with early marriage and malnutrition,

"*Recognizing* that the difficult socio-economic conditions that exist in many developing countries, in particular the least developed countries, have resulted in the acceleration of the feminization of poverty,

"*Also recognizing* that pregnancy and early motherhood entail complications during pregnancy and delivery and a risk of maternal mortality and morbidity that is much greater than average, and deeply concerned that early childbearing and limited access to the highest attainable standard of health, including sexual and reproductive health, including in the area of emergency obstetric care, cause high levels of obstetric fistula and maternal mortality and morbidity,

"*Further recognizing* the serious immediate and long-term implications for health, including sexual and reproductive health, as well as increased vulnerability to HIV/AIDS, and the negative impact on psychological, social and economic development that violence against the girl child and adolescent girls represents for individuals, families, communities and States,

"*Deeply concerned* about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition and physical and mental health and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and in their often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices,

"1. *Recognizes* the interlinkages between poverty, malnutrition, poor health services, early childbearing and gender discrimination as root causes of obstetric fistula, that, in this regard, poverty remains the main social risk factor because of its association with early marriage and malnutrition, that the eradication of poverty is critical to meeting the needs and protecting and promoting the rights of girls and that continued urgent national and international action is required to eliminate it;

"2. *Stresses* the need to address the social issues that contribute to the problem of obstetric fistula, such as early pregnancy, lack of or inadequate girls' education and poverty and low status of women and girls;

"3. *Also stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls, that they must exercise due diligence in order to prevent, investigate and punish the perpetrators of violence against women and girls and provide protection to the victims and that failure to do so violates and impairs or nullifies the enjoyment of the human rights and fundamental freedoms of women and girls;

"4. *Calls upon* States to ensure that girls have equal access to complete, free and compulsory primary education of good quality and to renew their efforts to improve and expand girls' and women's education at all levels, including at secondary and higher levels, as well as vocational education and technical training, in order to, inter alia, achieve gender equality, the empowerment of women and poverty eradication;

"5. *Urges* States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses and, in addition, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage, and to raise the minimum age for marriage where necessary;

"6. *Calls upon* States and/or the relevant funds and programmes, organs and specialized agencies of the United Nations system, within their respective mandates, and invites the international financial institutions and all relevant actors of civil society, including non-governmental organizations and the private sector, to:

"(a) Develop, implement and support national and international prevention, care and treatment strategies, as appropriate, to effectively address the condition of obstetric fistula and to further develop a multisectoral, multidisciplinary, comprehensive and integrated approach in order to bring about lasting solutions and put an end to obstetric fistula, maternal mortality and related morbidities, including through ensuring access to affordable, comprehensive, quality maternal health-care services, including skilled birth attendance and emergency obstetric care;

"(b) Strengthen the capacity of health systems to provide the essential services needed to prevent obstetric fistula and to treat those cases that occur by providing the continuum of services, including family planning, antenatal care, skilled birth attendance, emergency obstetric care and post-partum care to young women and girls, including those living in poverty and in underserved rural areas where obstetric fistula is most common;

"(c) Redouble their efforts to meet the internationally agreed upon goal of improving maternal health by increasing access to skilled attendance at birth and to emergency obstetric care;

"(d) Provide essential health services, equipment and supplies and skills training and income-generating projects to young women and girls so they can break out of a cycle of poverty and have options beyond early marriage;

"(e) Mobilize funding to provide free or subsidized fistula repairs, including through encouraging more networking among providers and the sharing of new treatment techniques and protocols;

"(f) Provide health education and counselling, including medical counselling, as key components of post-operative care, and support social reintegration projects;

"(g) Educate individual women and men, communities, policymakers and health professionals about how fistula can be prevented and treated and increase awareness of the needs of pregnant women and girls through working with community and religious leaders, traditional birth attendants, media, radio

stations, influential public figures and policymakers, and support the training of doctors, nurses and other health workers in lifesaving obstetric care;

"(h) Develop means of transportation that enable women and girls to access obstetric care and to access treatment and provide incentives to encourage more doctors and midwives to work in rural areas;

"7. *Calls upon* the international community to support the United Nations Population Fund in establishing regional fistula treatment and training centres through identifying and supporting health facilities that have the potential to serve as centres for treatment, training and convalescent care;

"8. *Encourages* communication and networking among existing fistula centres to facilitate training, research, advocacy and the development of universal standards and fund-raising, and urges the international community to address the shortages of trained doctors, space and supplies that limit the capacity of most of the fistula centres;

"9. *Urges* multilateral donors, and invites international financial institutions, within their respective mandates, and regional development banks to review and implement policies to support national efforts to ensure that a higher proportion of resources reach young women and girls, in particular in rural and remote areas;

"10. *Invites* Member States to contribute to the United Nations Population Fund's Global Campaign to End Fistula with the goal of eliminating obstetric fistula by 2015, in line with the Millennium Development Goal targets to improve maternal health;

"11. *Requests* the Secretary-General to report to the sixty-third session of the General Assembly on the implementation of the present resolution."

9. At its 48th meeting, on 19 November, the Committee had before it a revised draft resolution entitled "Supporting efforts to end obstetric fistula (A/C.3/62/L.21/Rev.1), submitted by Albania, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belgium, Benin, Botswana, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, the Central African Republic, Chad, Chile, Comoros, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, the Czech Republic, the Democratic Republic of the Congo, Denmark, Djibouti, Dominica, the Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of),[1] Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Latvia, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Namibia, the Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Panama, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Saint Lucia, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, the Sudan, Swaziland, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, the United Kingdom of Great Britain

[1] The representative of the Islamic Republic of Iran subsequently indicated that his country was not a sponsor of the revised draft resolution.

and Northern Ireland, the United Republic of Tanzania, Uruguay, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe. Subsequently, Afghanistan, Algeria, Belize, Burundi, Ethiopia, Grenada, Liechtenstein, Malta, Moldova, Montenegro, Peru, Saint Kitts and Nevis, Serbia, Sri Lanka, Suriname, Sweden and Uzbekistan joined in sponsoring the draft resolution.

10. At the same meeting, the Committee was advised that the draft resolution had no programme budget implications.

11. Also at the 48th meeting, the Committee adopted draft resolution A/C.3/62/L.21/Rev.1, without a vote (see para. 32, draft resolution I).

12. After the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/62/SR.48).

13. At the 53rd meeting, on 27 November, a statement was made by the representative of El Salvador (see A/C.3/62/SR.53).

B. Draft resolution A/C.3/62/L.22

14. At the 21st meeting, on 23 October, the representative of Qatar, on behalf of Armenia, Belarus, Benin, Jordan, Oman and Qatar, introduced a draft resolution entitled "World Autism Awareness Day" (A/C.3/62/L.22). Subsequently, Afghanistan, Algeria, Andorra,[2] Argentina, Azerbaijan, Bahrain, Barbados, Belize, Bolivia, Brazil, Cameroon, Cape Verde, Costa Rica, Côte d'Ivoire, the Democratic Republic of the Congo, the Dominican Republic, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Guatemala, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Lebanon, Lesotho, Liberia, the Libyan Arab Jamahiriya, Malawi, Mali, Morocco, Myanmar, Nicaragua, the Niger, the Republic of Korea, Saudi Arabia, the Sudan, Swaziland, the Syrian Arab Republic, Thailand, Timor-Leste, Tunisia, Uganda, the United Arab Emirates and Viet Nam joined in sponsoring the draft resolution.

15. At its 34th meeting, on 1 November, the Committee was advised that the draft resolution had no programme budget implications.

16. Also at its 34th meeting, the Committee adopted draft resolution A/C.3/62/L.22, without a vote (see para. 32, draft resolution II).

C. Draft resolutions A/C.3/62/L.23 and Rev.1

17. At the 29th meeting, on 29 October, the representative of Zambia, on behalf of the States Members of the United Nations that are members of the Southern African Development Community, Cameroon, Chile, Côte d'Ivoire, Cuba, Ghana, Panama, Senegal, Switzerland and Uzbekistan, introduced a draft resolution entitled "The girl child" (A/C.3/62/L.23). Subsequently, Andorra, Argentina, Benin, Brazil, Cape Verde, the Congo, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Kenya, Mali, Mexico, Nicaragua, Nigeria and Paraguay joined in sponsoring the draft resolution, which read:

[2] The representative of Andorra subsequently indicated that his country was not a sponsor of the draft resolution.

"*The General Assembly*,

"*Recalling* its resolution 60/141 of 16 December 2005 and all relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

"*Reaffirming* the equal rights of women and men as enshrined in the Charter of the United Nations,

"*Reaffirming* all human rights and other instruments relevant to the rights of the child, in particular the girl child, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities, and all their optional protocols,

"*Reaffirming* the internationally agreed development goals, including the Millennium Development Goals, as well as the commitments relevant to the girl child contained in the 2005 World Summit Outcome,

"*Reaffirming also* the outcome document of the twenty-seventh special session of the General Assembly on children, entitled 'A world fit for children', the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on HIV/AIDS, entitled 'Global Crisis — Global Action', and the 2006 Political Declaration on HIV/AIDS,

"*Reaffirming further* all other relevant outcomes of major United Nations summits and conferences relevant to the girl child, as well as their five- and ten-year reviews, including the Beijing Declaration and Platform for Action adopted at the Fourth World Conference on Women, the outcome of the twenty-third special session of the General Assembly entitled 'Women 2000: gender equality, development and peace for the twenty-first century', the Programme of Action of the International Conference on Population and Development and the Programme of Action of the World Summit for Social Development, and welcoming the declaration adopted in 2005 by the Commission on the Status of Women at its forty-ninth session,

"*Reaffirming* the Dakar Framework for Action adopted at the World Education Forum, in 2000,

"*Recognizing* that girl children are more vulnerable and the need to achieve gender equality to ensure a just and equitable world for girls, including through partnering with men and boys as an important strategy for advancing the rights of the girl child,

"*Deeply concerned* about discrimination against the girl child, including those with disabilities, and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition and physical and mental health care and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and abuse and to violence and harmful practices, such as female infanticide, rape, incest, early marriage, forced marriage, prenatal sex selection and female genital mutilation,

"*Deeply concerned also* that female genital mutilation is an irreparable, irreversible harmful practice that affects more than one hundred and thirty million women and girls alive today and that each year a further two million girls are at risk of undergoing the harmful procedure,

"*Deeply concerned further* that, in situations of poverty, war and armed conflict, girl children are among those most affected and furthermore become the victims of rape, sexual violence and abuse, and sexually transmitted diseases, including HIV/AIDS, which have a serious impact on the quality of their lives and leave them open to further discrimination, violence and neglect, limiting their potential for full development,

"*Emphasizing* that increased access to education, including in the areas of sexual and reproductive health, for young people, especially girls, dramatically lowers their vulnerability to preventable diseases, in particular HIV/AIDS infection and sexually transmitted diseases,

"*Concerned* by the increasing number of child-headed households, in particular those headed by orphan girls, including those orphaned by the HIV/AIDS pandemic,

"*Deeply concerned* that early childbearing and limited access to sexual and reproductive health care, including in the area of emergency obstetric care, causes high levels of obstetric fistula and maternal mortality and morbidity,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and limitation or denial of their human rights,

"1. *Stresses* the need for full and urgent implementation of the rights of the girl child as guaranteed to her under all human rights instruments, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of Persons with Disabilities and all their optional protocols, and urges States to consider signing, ratifying or acceding to these human rights instruments;

"2. *Urges* all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms, including taking measures to remove barriers and any other discriminatory obstacles which hinder the girl child who is living with disabilities, and to take effective action against violations of those rights and freedoms;

"3. *Urges* all Governments and the United Nations system to strengthen efforts bilaterally and with international organizations and private-sector donors in order to achieve the goals of the World Education Forum, in particular that of eliminating gender disparities in primary and secondary education by 2005, which have not been fully met, and to implement the United Nations Girls' Education Initiative as a means of reaching this goal, and further calls for the implementation of and reaffirms the commitments

contained in the United Nations Millennium Declaration, particularly those related to education;

"4. *Calls upon* all States to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action, as contained in paragraph 33 of the further actions and initiatives to implement the Beijing Declaration and Platform for Action, where appropriate, including the strengthening of national mechanisms to implement policies and programmes for the girl child and, in some cases, to enhance coordination among responsible institutions for the realization of the human rights of girls, as indicated in the further actions and initiatives;

"5. *Stresses* the importance of a substantive assessment of the implementation of the Beijing Platform for Action with a life-cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions for the achievement of the goals of the Platform for Action;

"6. *Calls upon* all States and international and non-governmental organizations, individually and collectively, to implement further the Beijing Platform for Action, in particular the strategic objectives relating to the girl child, and the further actions and initiatives, and to mobilize all necessary resources and support in order to achieve the goals and strategic objectives and actions set out in the Beijing Declaration and Platform for Action;

"7. *Urges* all States to promote gender equality and equal access to basic social services, such as education, nutrition, health care, including sexual and reproductive health care, vaccinations and protection from diseases representing the major causes of mortality, and to mainstream a gender perspective in all development policies and programmes relating to the girl child;

"8. *Also urges* all States to enact and enforce legislation to protect girls from all forms of violence and exploitation, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, trafficking and forced migration, forced labour, and early and forced marriage, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

"9. *Urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of discrimination and violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations, giving attention to the recommendations relating to the girl child of the Special Rapporteurs of the Human Rights Council on violence against women, its causes and consequences, and on trafficking in persons, especially women and children;

"10. *Urges* States to ensure that the right of children to express themselves and participate in all matters affecting them, in accordance with their age and maturity, is fully and equally enjoyed by girls;

"11. *Recognizes* that a considerable number of vulnerable girl children, including orphans, children living on the street, internally displaced and refugee children, migrant children, children affected by trafficking and sexual and economic exploitation, children who are incarcerated, and children living without parental support, and urges States to take appropriate measures to address the needs of such children by implementing national policies and strategies to build and strengthen governmental, family and community capacities to provide a supportive environment for such children, including by providing appropriate counselling and psychosocial support, and ensuring their enrolment in school and access to shelter, good nutrition and health and social services on an equal basis with other children;

"12. *Urges* all States and the international community to respect, protect and promote the rights of the girl child in pre-conflict, conflict and post-conflict situations, and further urges States to take special measures for the protection of girls, in particular to protect them from sexually transmitted diseases, such as HIV/AIDS, gender-based violence, including rape and sexual abuse, and sexual exploitation, torture, abduction and forced labour, refugee and displaced girls, in the delivery of humanitarian assistance and disarmament, demobilization, rehabilitation assistance and reintegration processes;

"13. *Deplores* all the cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crises, including those cases involving humanitarian workers and peacekeepers, and calls upon States and relevant organizations of the United Nations to take effective measures to address gender-based violence in humanitarian emergencies and to make possible all efforts to ensure that their laws and institutions are adequate to prevent, promptly investigate and prosecute acts of gender-based violence;

"14. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and full respect for and the enjoyment of the human rights of the girl child, inter alia through the translation, production and dissemination of age-appropriate and gender-sensitive information material on those rights to all sectors of society, in particular to children;

"15. *Requests* the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees and the International Labour Organization, take into account the rights and the particular needs of the girl child in country programmes of cooperation in accordance with national priorities, including through the United Nations Development Assistance Framework;

"16. *Requests* all human rights treaty bodies, special procedures and other human rights mechanisms of the Human Rights Council to adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of the human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

"17. *Requests* States to ensure that, in all policies and programmes designed to provide comprehensive HIV/AIDS prevention, treatment, care and support, particular attention and support is given to the girl child at risk, infected with and affected by HIV/AIDS, including pregnant girls and young and adolescent mothers, as part of the global effort to scale up significantly towards achieving the goal of universal access to comprehensive prevention, treatment, care and support by 2010;

"18. *Urges* States and the international community to dramatically increase resources at all levels, particularly in the education and health sectors, to enable young people, especially girls, to gain the knowledge, attitudes and skills that they need to prevent HIV/AIDS and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

"19. *Calls upon* the international community, the relevant United Nations entities and civil society to actively support, through the allocation of increased financial resources, targeted innovative programmes that address ending female genital mutilation, and for developing and providing education programmes and sensitization workshops on the dire consequences on the health of the girl of this harmful practice, and to provide for those who perform the harmful procedure training programmes to adopt an alternate profession;

"20. *Calls upon* States and the international community, to assist including by the allocation of adequate resources, national efforts to strengthen the capacity of health systems to provide essential services needed to prevent obstetric fistula and to treat those cases that occur by providing a continuum of services, including family planning, antenatal care, skilled birth attendants, emergency obstetric care and post-partum care to adolescent girls, including those living in poverty, and in or to under-served rural areas where obstetric fistula is most common;

"21. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-fourth session on the implementation of the present resolution, including an emphasis on ending female genital mutilation, using information provided by Member States, the organizations and bodies of the United Nations system and non-governmental organizations, with a view to assessing the impact of the present resolution on the well-being of the girl child."

18. At its 54th meeting, on 28 November, the Committee had before it a revised draft resolution entitled "The girl child" (A/C.3/62/L.23/Rev.1), submitted by Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Belgium, Benin, Botswana, Brazil, Bulgaria, Cameroon, Canada, Cape Verde, Chile, the Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, the Czech

Republic, the Democratic Republic of the Congo, Denmark, the Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Ireland, Italy, Japan, Jordan, Kenya, Latvia, Lesotho, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Mauritius, Mexico, Moldova, Monaco, Mongolia, Mozambique, Namibia, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Paraguay, the Philippines, Poland, Portugal, the Republic of Korea, Romania, San Marino, Senegal, Serbia, Slovakia, Slovenia, Spain, South Africa, Suriname, Swaziland, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Uganda, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Zambia and Zimbabwe. Subsequently, Australia, Bangladesh, Belarus, Belize, Bhutan, Bosnia and Herzegovina, Burkina Faso, China, Cyprus, Eritrea, Ethiopia, Iceland, Iraq, Israel, Jamaica, Kazakhstan, Kyrgyzstan, Lebanon, Liberia, Liechtenstein, Malta, Montenegro, Tunisia, Turkey and Ukraine joined in sponsoring the draft resolution.

19. At the same meeting, the Committee was advised that the draft resolution had no programme budget implications.

20. Also at the same meeting, the representative of Zambia orally corrected the draft resolution.

21. Also at its 54th meeting, the Committee adopted draft resolution A/C.3/62/L.23/Rev.1, as orally corrected, without a vote (see para. 32, draft resolution III).

22. After the adoption of the draft resolution, statements were made by the representatives of the United States of America and the Islamic Republic of Iran (see A/C.3/62/SR.54).

D. Draft resolutions A/C.3/62/L.24 and Rev.1

23. At the 34th meeting, on 1 November, the representative of Portugal, on behalf Albania, Antigua and Barbuda, Argentina, Austria, Bahamas, Barbados, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, Dominica, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Germany, Greece, Grenada, Guatemala, Guyana, Haiti, Honduras, Hungary, Ireland, Italy, Jamaica, Latvia, Lithuania, Luxembourg, Malta, Mexico, Moldova, Monaco, Montenegro, the Netherlands, Nicaragua, Panama, Paraguay, Peru, Poland, Portugal, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Serbia, Slovakia, Slovenia, Spain, Suriname, Sweden, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela (Bolivarian Republic of), introduced a draft resolution entitled "Rights of the child" (A/C.3/62/L.24). Subsequently, Andorra, Angola, Armenia, Benin, Burkina Faso, Burundi, Cameroon, Cape Verde, the Congo, Côte d'Ivoire, Georgia, Guinea, Iceland, Kenya, Kyrgyzstan, Lesotho, Liberia, Malawi, Mali, Mauritius, Nigeria, Norway, San Marino, Senegal and Ukraine joined in sponsoring the draft resolution, which read:

"*The General Assembly*,

"*Recalling* its previous resolutions on the rights of the child, the most recent of which is resolution 61/146 of 19 December 2006, and its resolution 60/141 of 16 December 2005, as well as Commission on Human Rights resolution 2005/44 of 19 April 2005,

"*Emphasizing* that the Convention on the Rights of the Child must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention, as well as other human rights instruments,

"*Reaffirming* the Vienna Declaration and Programme of Action, the United Nations Millennium Declaration and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled 'A world fit for children', and recalling the Copenhagen Declaration on Social Development and the Programme of Action, the Dakar Framework for Action adopted at the World Education Forum, the Declaration on Social Progress and Development, the Universal Declaration on the Eradication of Hunger and Malnutrition and the Declaration on the Right to Development,

"*Recognizing* the importance of the integration of child rights issues into the follow-up of the outcome documents of all major United Nations conferences, special sessions and summits,

"*Taking note with appreciation* of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly and on the status of the Convention on the Rights of the Child and the issues raised in Assembly resolution 61/146, as well as the report of the Chairperson of the Committee on the Rights of the Child,

"*Recognizing* the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the outcome of the 2005 World Summit,

"*Taking note with appreciation* of the attention paid to children in the Convention on the Rights of Persons with Disabilities and in the International Convention for the Protection of All Persons from Enforced Disappearance,

"*Also taking note with appreciation* of the attention paid to children in the United Nations Declaration on the Rights of Indigenous Peoples,

"*Profoundly concerned* that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, exploitation, trafficking in children and their organs, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

"*Reiterating* that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizing that chronic poverty remains the single biggest obstacle to meeting the needs and protecting and promoting the rights of children, and that urgent national and international action is therefore required to eliminate it,

"*Reaffirming* that democracy, development, peace and security, and the full and effective enjoyment of all human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

"*Also reaffirming* the need for mainstreaming a gender perspective in all policies and programmes relating to children, and recognizing the child as a rights holder in all policies and programmes relating to children,

"*Welcoming* the holding of a commemorative high-level plenary meeting, which will take place on 11 and 12 December 2007, to evaluate progress made in the implementation of the Declaration and the Plan of Action contained in the document entitled 'A world fit for children', recalling that particular attention must be paid to the protection and the rights of children living in poverty, and encouraging the inclusion of children and young people in delegations of Member States,

"I

"Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

"1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

"2. *Urges* States that have not yet done so to become parties to the Convention on the Rights of the Child and the Optional Protocols thereto as a matter of priority and to implement them fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures and ensuring adequate and systematic training in the rights of the child for all those working with and for children, as well as ensuring child rights education for children themselves;

"3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;

"4. *Calls upon* States to establish or strengthen national bodies, such as, inter alia, independent ombudspersons for children, where appropriate, or other institutions for the promotion and protection of the rights of the child;

"5. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the

Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on implementation of the Convention;

"6. *Takes note with appreciation* of the initiatives undertaken by the Committee on the Rights of the Child aimed at promoting a better understanding of and fuller compliance with the rights enshrined in the Convention, namely through the organization of days of general discussion and the adoption of general comments;

"7. *Requests* all relevant organs and mechanisms of the United Nations system regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to continue to cooperate closely with all those organs and mechanisms, in particular the special rapporteurs and special representatives of the United Nations system;

"8. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

"II

"Protection and promotion of the rights of the child and non-discrimination against children

"Non-discrimination

"9. *Calls upon* all States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

"10. *Notes with concern* the large number of children who are victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principle of non-discrimination, the best interests of the child and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

"11. *Calls upon* States to take all necessary and effective measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, early marriage, marriage without the free and full consent of the intending spouses and forced sterilization, by enacting and enforcing legislation and, where appropriate, by formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

"12. *Also calls upon* States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

"13. *Urges* all States to respect and promote the right of girls and boys to express themselves freely, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them and to involve children, including children with special needs, in decision-making processes taking into account the evolving capacities of children and the importance of involving the representative organizations of children;

"Registration, family relations and adoption or other forms of alternative care

"14. *Once again urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child[2] to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

"15. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family- and community-based care should be promoted over placement in institutions, and in this context welcomes the ongoing process aimed at elaborating a set of United Nations guidelines for the appropriate use and conditions of alternative care for children, which are aimed at enhancing the implementation of the Convention and of other relevant legal international human rights instruments, regarding the protection and well-being of children who are in need of alternative care or who are at risk of becoming so;

"16. *Calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

"17. *Also calls upon* States to address and pay particular attention to cases of international parental or familial child abduction, and encourages States to engage in multilateral and bilateral cooperation to resolve these cases, preferably by accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction, and therefore to be in full

compliance with the Convention, and to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

"18. *Further calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

"Economic and social well-being of children

"19. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, including through strengthening international cooperation in this field;

"Eradication of poverty

"20. *Calls upon* States to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration, are realized within their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

"21. *Calls upon* each individual State, with whom rests the primary responsibility for ensuring an enabling environment for securing the well-being of children, and the international community to mobilize all necessary resources, support and efforts to eradicate poverty, according to national plans and strategies and in consultation with national Governments, including through an integrated and multifaceted approach based on the rights and well-being of children, and to continue their efforts to realize the internationally agreed development and poverty eradication goals, including the Millennium Development Goals;

"Right to education

"22. *Recognizes* the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families in order to achieve the objectives of Education For All, with the aim of realizing Millennium Development Goal 2;

"23. *Takes note with appreciation* of the report of the Special Rapporteur on the right to education, which is devoted to the right to inclusive education of persons with disabilities and, in this context, calls upon States to consider

carefully the recommendations contained therein, namely to take steps towards ensuring an effective inclusive education system;

"Right to the enjoyment of the highest attainable standard of health

"24. *Calls upon* States:

"(a) To take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and developing sustainable health systems and social services, to ensure access to such systems and services without discrimination, paying special attention to adequate food and nutrition, to access to safe drinking water and sanitation, to the special needs of male and female adolescents and to reproductive and sexual health, and to secure appropriate prenatal and post-natal care for mothers, including measures to prevent mother-to-child transmission of HIV and in this context to realize Millennium Development Goals 4, 5 and 6;

"(b) To assign priority to developing and implementing activities and programmes aimed at treating and preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants;

"(c) To support adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and to implement measures to increase their capacity to protect themselves from HIV/AIDS through, inter alia, the provision of health care, including for sexual and reproductive health, and through preventive education that promotes gender equality;

"(d) To develop and implement strategies, policies and programmes that identify and address those factors that make individuals particularly vulnerable to HIV infection in order to complement prevention programmes that address activities that place individuals at risk for HIV infection, such as risky and unsafe behaviour and injecting drug use;

"(e) To promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to boys and girls, including bilateral and private sector initiatives, as well as initiatives on a voluntary basis by groups of States, based on innovative financing mechanisms that contribute to the mobilization of resources for social development, including those that aim to provide further access to drugs at affordable prices to children in developing countries on a sustainable and predictable basis, and in this regard, notes the International Drug Purchase Facility, UNITAID;

"(f) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them and also the adolescent fathers to continue and complete their education;

"*Right to food*

"25. *Calls upon* all States to take immediate steps to eliminate child hunger, including through the adoption or strengthening of national programmes to address food security and adequate livelihoods, as well as

nutritional security, especially in vitamin A, iron and iodine deficiencies, the promotion of breastfeeding, as well as programmes (for example school meals) that should ensure adequate nutrition for all children;

"Children in particularly difficult situations

"26. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture and all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

"27. *Also calls upon* all States to protect refugee, asylum-seeking and internally displaced children, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, stressing the need for States as well as the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery, and to programmes for voluntary repatriation and, wherever possible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

"28. *Further calls upon* all States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education on an equal basis with others and to ensure that all such children, in particular victims of violence and exploitation, receive special protection and assistance;

"29. *Calls upon* all States to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing support and rehabilitation to those children and their families, women and the elderly, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes and increased protection for children orphaned and affected by HIV/AIDS, ensuring access to treatment and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

"30. *Also calls upon* all States to protect, in law and in practice, the inheritance and property rights of orphans, with particular attention to underlying gender-based discrimination, which may interfere with the fulfilment of these rights;

"31. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views,

skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

"Child labour

"32. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

"33. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization to consider doing so;

"Children alleged to have or recognized as having infringed penal law

"34. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

"(a) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence;

"(b) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;

"(c) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

"35. *Also calls upon* all States to ensure that no child in detention is sentenced to forced labour or any form of cruel or degrading punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

"Prevention and eradication of the sale of children, child prostitution and child pornography

"36. *Calls upon* all States:

"(a) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of

children and the use of the Internet and other information and communication technologies for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

"(b) To ensure the prosecution and punishment of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national, or on any other basis permitted under domestic law, and for these purposes to afford one another the greatest measure of assistance and the necessary collaboration for the prevention, detection, investigations or criminal or extradition proceedings;

"(c) To criminalize and penalize effectively the sale of children, including for the purposes of transfer of organs of the child for profit, to increase cooperation at all levels to prevent and dismantle networks trafficking or selling children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

"(d) To give due consideration to the recommendations made by the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, in her most recent report, which was devoted to the subject of forced marriage in the context of trafficking in persons;

"(e) In cases of trafficking in children, the sale of children, child prostitution, child pornography and child sex tourism, to address effectively the needs of victims, including their safety, legal assistance and protection, physical and psychological recovery and full reintegration into society, including through bilateral and multilateral technical cooperation and financial assistance;

"(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

"(g) To give priority to the identification of norms and standards on the responsibilities of transnational corporations and other business enterprises, particularly those involved in information and communications technologies related to the respect of the rights of children, including the right to be protected from sexual abuse and exploitation, particularly in the virtual realm, as prohibited by the relevant international instruments and national legislation, and to outline basic measures to be taken for implementation;

"(h) To mobilize public awareness concerning the protection of children against all forms of sexual exploitation and abuse, involving families and communities, with the participation of children;

"(i) To contribute to the prevention and elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

"(j) To eliminate the demand that fosters all forms of exploitation that leads to trafficking, including sexual exploitation and the sex tourism demand;

"Children affected by armed conflict

"37. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, as well as other violations and abuses committed against children affected by armed conflict, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

"38. *Calls upon* States:

"(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

"(b) To take all feasible measures to ensure that persons within their jurisdiction recruited or used in hostilities contrary to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict are demobilized or otherwise released from service and, when necessary, accord to such persons all appropriate assistance for their physical and psychological recovery and their social reintegration;

"(c) To ensure that funding for rehabilitation and reintegration efforts for all children associated with armed forces and groups is adequate and timely, particularly in support of national initiatives, to secure the long-term sustainability of such efforts;

"(d) To encourage the involvement of young people in activities concerning the protection of children affected by armed conflict, including programmes for reconciliation, peace consolidation, peacebuilding and children-to-children networks;

"(e) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law and to ensure that they receive timely, effective humanitarian assistance, in accordance with international humanitarian law, including the Geneva Conventions of 12 August 1949, and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

"(f) To take all feasible measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of policies that do not tolerate the recruitment and use of children in armed conflict, and legal measures necessary to prohibit and criminalize such practices;

"39. *Takes note* of the updating of the Cape Town Principles on child soldiers that lead to the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, encourages Member States to consider using the Guidelines to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society, to assist Member States in this field;

"40. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict;

"41. *Notes with appreciation* the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors, including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

"42. *Notes with appreciation* the work of the Special Representative of the Secretary-General for Children and Armed Conflict, recognizes the progress achieved since the establishment of the mandate of the Special Representative, takes note of her report, and looks forward to the continuation of her mandate in the future with due respect to resolution 60/231 of 23 December 2005;

"43. *Takes note* of the report of the ten-year review of the study by Graça Machel entitled 'Impact of armed conflict on children', calls upon Member States and invites relevant entities of the United Nations system as well as civil society, as appropriate, to carefully study its recommendations, and requests the Secretary-General to include their views in the comprehensive report to be elaborated in this regard;

"III

"Elimination of violence against children

"44. *Welcomes* the report of the independent expert for the United Nations study on violence against children, notes the very positive response to the study from Member States and the progress made in translating and disseminating widely the study, the complementary *World Report on Violence against Children*, prepared by the independent expert, and the innovative child-friendly version of the report and educational materials;

"45. *Encourages* Member States, regional organizations and civil society, including non-governmental organizations, to continue to widely disseminate and follow up on the study;

"46. *Urges* all Member States to exercise leadership to end all forms of violence against children and support advocacy in this regard at all levels, including at the local, national, regional and international levels, and by all sectors, especially by political, community and religious leaders, as well as the public and private sectors, the media and civil society;

"47. *Requests* the relevant organizations of the United Nations system, in particular the organizations members of the Inter-Agency Group on Violence against Children, to continue to explore ways and means, within their respective mandates, by which they can contribute more effectively to addressing the need to prevent and to respond to all forms of violence against children;

"48. *Calls upon* all relevant international and regional human rights mechanisms, as appropriate, including all relevant treaty bodies, in particular the Committee on the Rights of the Child and special procedures, to consider how most effectively to use their respective mandates to contribute to the elimination of violence against children;

"49. *Condemns* all forms of violence against children, including physical, mental, psychological and sexual violence, torture and other cruel, inhuman or degrading treatment, child abuse and exploitation, hostage-taking, domestic violence, trafficking in or sale of children and their organs, paedophilia, child prostitution, child pornography, child sex tourism, gang-related violence, bullying and harmful traditional practices, and urges States to strengthen efforts to prevent and protect children from all such violence through a comprehensive approach and to develop a multifaceted and systematic framework, which is integrated into national planning processes, to respond to violence against children;

"50. *Also condemns* the abduction of children, in particular extortive abduction and abduction of children in situations of armed conflicts, including for the recruitment and use of children in armed conflicts, and urges States to take all appropriate measures to secure their unconditional release, rehabilitation, reintegration and reunification with their families;

"51. *Recognizes* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, and calls upon States not to grant amnesties for such crimes;

"52. *Acknowledges* the contributions of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes;

"53. *Urges* all States:

"(a) To take effective and appropriate legislative and other measures or, where they exist, strengthen legislation to prohibit and eliminate all forms of violence against children;

"(b) To consider taking appropriate measures to assert the right of children to respect for their human dignity and physical integrity and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment;

"(c) To give priority attention to the prevention of all forms of violence against children and to addressing its underlying causes, through a systematic, comprehensive and multifaceted approach;

"(d) To protect children from all forms of violence or abuse by all those who work with and for children, including in educational settings, as well as by government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

"(e) To end impunity for perpetrators of crimes against children, investigate and prosecute such acts of violence and impose appropriate penalties, recognizing that persons convicted of violent offences, including sexual abuse of children, should be prevented from working with children;

"(f) To ensure national research and documentation to identify vulnerable groups of children, inform policy and programmes at all levels and track progress and best practices towards preventing all forms of violence against children;

"(g) To strive to change attitudes that condone or normalize any form of violence against children, including violent forms of discipline, harmful traditional practices and all forms of sexual violence;

"(h) To take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings and throughout care and justice systems;

"(i) To establish and develop safe, well-publicized, confidential and accessible mechanisms to enable children, their representatives and others to report violence against children as well as to file complaints in cases of violence against children;

"(j) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence, acknowledging that girls and boys face varying risks from different forms of violence at different ages and in different situations and, in this context, recalls the agreed conclusions of the Commission on the Status of Women at its fifty-first session, on the elimination of all forms of discrimination and violence against the girl child;

"(k) To further develop the capacity of all those who work with and for children and families to contribute to the elimination of all forms of violence against children, by investing in systematic education and training programmes, both initial and in-service, on preventing, detecting and responding to violence against children, and to formulate and implement norms, such as guidelines or codes of conduct, incorporating the rejection of all forms of violence against children;

"(l) To ensure that all victims of violence have access to appropriate child-sensitive health and social services, by paying special attention to the gender-specific needs of girls and boys who are victims of violence;

"54. *Recommends* that the Secretary-General appoint for a period of three years a Special Representative on violence against children, after which the mandate should be evaluated, and ensure that the necessary support is made available to the Special Representative for the effective performance of his/her mandate, and encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the World Health Organization and the International Labour Organization to provide support to the Special Representative, including financial, and calls upon States and institutions concerned, and invites the private sector, to provide voluntary contributions for that purpose;

"55. *Recommends* that the Special Representative:

"(a) Act as a high-profile and independent global advocate to promote the prevention and elimination of all forms of violence against children, promoting the broad engagement of key actors concerned with violence against children, acting as a catalyst to stimulate the commitment of Member States and the civil society to prevent and respond to violence against children, keeping the issue high on the international agenda and maintaining the visibility of violence against children achieved through the process of the United Nations study on violence against children;

"(b) Promote and support, in cooperation with Member States, the implementation of the recommendations of the United Nations study on violence against children, where appropriate, recommending measures, ways and means at the national, regional and international levels to eliminate violence against children and its causes and to remedy its consequences, promoting and ensuring country ownership of national plans and programmes in this regard;

"(c) Identify and share good practices to prevent and respond to violence against children, between States and across regions, assist Member States in their efforts to develop more comprehensive and systematic data collection on violence against children, and ensure cross-fertilization of experiences between the various sectors addressing violence against children, including those focused on human rights, child protection, well-being, development, public health and education;

"(d) Work closely and cooperate fully with relevant United Nations human rights mechanisms and treaty bodies, including the Committee on the Rights of the Child and the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on violence against women and the Special Rapporteur on trafficking in persons, especially in women and children, within their respective mandates, building upon existing inter-agency structures, avoiding duplication and bearing in mind the ongoing process of the reviewing of mandates in the Human Rights Council;

"(e) Also work closely and cooperate with the United Nations system and the existing mandates of United Nations funds and programmes and

specialized agencies that have responsibilities in the area of violence against children;

"(f) Establish a mutually supportive collaboration with non-governmental organizations, civil society and the private sector, and work to promote the increased involvement of children and young people in initiatives to prevent and respond to violence against children;

"56. *Urges* Governments and requests the specialized agencies and the relevant United Nations organs that work in the area of violence against children, and regional, intergovernmental and non-governmental organizations, as well as the Committee on the Rights of the Child, other relevant human rights treaty bodies and human rights mechanisms of the United Nations, to cooperate with the Special Representative and to provide information on the measures adopted to ensure and respect the rights of children victims of violence;

"57. *Requests* the Special Representative of the Secretary-General on violence against children to report annually to the General Assembly, the Human Rights Committee and the Economic and Social Council, and to ensure that this reporting contains relevant, accurate and objective information on violence against children, taking into account the views of Member States, the outcome of the General Assembly at its special sessions on children and the United Nations study on violence against children, bearing in mind existing mandates and reports of relevant bodies;

"IV
"Follow-up

"58. *Decides*:

"(a) To request the Secretary-General to submit to the General Assembly, at its sixty-third session a report on the rights of the child, containing information on the status of the Convention on the Rights of the Child and the issues contained in the present resolution;

"(b) To request the Special Representative of the Secretary-General for Children in Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda;

"(c) To invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-third session as a way to enhance communication between the Assembly and the Committee;

"(d) To continue its consideration of the question at its sixty-third session under the item entitled 'Promotion and protection of the rights of children', focusing section III of the resolution on the rights of the child on 'Child labour' in 2008 and 'Child participation' in 2009."

24. At its 53rd meeting, on 27 November, the Committee had before it a revised draft resolution entitled "Rights of the child" (A/C.3/62/L.24/Rev.1), submitted by the sponsors of draft resolution A/C.3/62/L.24 and Australia, Azerbaijan, Botswana, Canada, Egypt, Gabon, Ghana, Iceland, Kazakhstan, Lebanon, Madagascar,

Mongolia, New Zealand, Sao Tome and Principe, Timor-Leste, and the United Republic of Tanzania. Subsequently, Belarus, Chad, the Democratic Republic of the Congo, Ethiopia, the Gambia, Iraq, Morocco, Mozambique, Namibia, South Africa, Swaziland and Uzbekistan joined in sponsoring the revised draft resolution.

25. At the same meeting, the representative of Portugal, orally revised the draft resolution as follows:

(a) In operative paragraph 58, the words "and independent" were inserted before the words "performance of his/her mandate";

(b) In operative paragraph 61, the words "in carrying out their respective mandates" after the words "their activities" were deleted; the words "in order to ensure that no child at risk of violence, in any situation, including situations" were replaced by the words "and in this regard ensure between them, within their respective mandates, that the situations of all children subject to or at risk of violence are addressed, including those"; and the words "in order to ensure that no child" were inserted before the words "is left uncovered".

26. Also, at the same meeting, the Secretary read out an oral statement of programme budget implications relating to the draft resolution.

27. At the same meeting, a statement was made by the representative of Egypt (see A/C.3/62/SR.53).

28. Also at its 53rd meeting, the Committee adopted draft resolution A/C.3/62/L.24/Rev.1, as orally revised, by a recorded vote of 176 to 1 (see para. 32, draft resolution IV). The voting was as follows:

In favour:

Afghanistan, Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Moldova, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nauru, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland,

Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

None.

29. At the same meeting, statements were made before the vote by the representatives of the Sudan, Lebanon, the United States of America and Turkey; statements were made after the vote by the representatives of Japan, the Philippines, the Syrian Arab Republic, Switzerland and New Zealand (see A/C.3/62/SR.53).

30. At the 54th meeting, on 28 November, a statement was made by the representative of Portugal (on behalf of the States Members of the United Nations that are members of the European Union) (see A/C.3/62/SR.54).

E. Draft decision proposed by the Chairman

31. At its 54th meeting, on 28 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents:

(a) Report of the Secretary-General on the girl child (A/62/297);

(b) Report of the Secretary-General on the follow-up to the special session of the General Assembly on children (A/62/259).

III. Recommendations of the Third Committee

32. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Supporting efforts to end obstetric fistula

The General Assembly,

Reaffirming the Beijing Declaration[1] and Platform for Action,[2] the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century",[3] and the declaration adopted at the forty-ninth session of the Commission on the Status of Women,[4]

Reaffirming also the international commitments in the field of social development and to gender equality and the advancement of women made at the World Conference on Human Rights, the International Conference on Population and Development, the World Summit for Social Development and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, as well as those made in the United Nations Millennium Declaration[5] and at the 2005 World Summit,[6]

Reaffirming further the Convention on the Elimination of All Forms of Discrimination against Women[7] and the Convention on the Rights of the Child,[8] and urging States that have not done so to consider, as a matter of priority, signing, ratifying or acceding to these Conventions and the Optional Protocols thereto,[9]

Stressing the interlinkages between poverty, malnutrition, lack of or inadequate or inaccessible health services, early childbearing, early marriage of the girl child, violence against young women and girls and gender discrimination as root causes of obstetric fistula, and that poverty remains the main social risk factor,

Recognizing that the difficult socio-economic conditions that exist in many developing countries, in particular the least developed countries, have resulted in the acceleration of the feminization of poverty,

Recognizing also that early pregnancy and early childbearing entail complications during pregnancy and delivery and a much higher risk of maternal mortality and morbidity and deeply concerned that early childbearing and limited

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[1] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[2] Ibid., annex II.

[3] Resolution S-23/2, annex, and S-23/3, annex.

[4] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2005/232.

[5] See resolution 55/2.

[6] See resolution 60/1.

[7] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[8] Ibid., vol. 1577, No. 27531.

[9] Ibid., vol. 2131, No. 20378; ibid., vol. 2171, No. 27531, respectively.

access to the highest attainable standard of health, including sexual and reproductive health, including in the area of emergency obstetric care, cause high levels of obstetric fistula and other maternal morbidities as well as maternal mortality,

Recognizing further the serious immediate and long-term implications for health, including sexual and reproductive health, as well as increased vulnerability to HIV/AIDS, and the negative impact on psychological, social and economic development, that violence against the girl child and adolescent girls represents for individuals, families, communities and States,

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access by girls to education, nutrition and physical and mental health and in enjoyment by girls of fewer of the rights, opportunities and benefits of childhood and adolescence compared with boys and their often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices,

Welcoming the contribution by Member States, the international community and civil society to the global Campaign to End Fistula, bearing in mind that a people-centred approach to social and economic development is fundamental to protecting and empowering individuals and communities,

1. *Recognizes* the interlinkages between poverty, malnutrition, lack of or inadequate or inaccessible health services, early childbearing, early marriage of the girl child and gender discrimination as root causes of obstetric fistula, and that poverty remains the main social risk factor, that the eradication of poverty is critical to meeting the needs and protecting and promoting the rights of girls and that continued urgent national and international action is required to eliminate it;

2. *Stresses* the need to address the social issues that contribute to the problem of obstetric fistula, such as early marriage of the girl child, early pregnancy, lack of access to sexual and reproductive health, lack of or inadequate education of girls, poverty and low status of women and girls;

3. *Also stresses* that States have the obligation to promote and protect all human rights and fundamental freedoms of women and girls, and that they must exercise due diligence in order to prevent, investigate and punish the perpetrators of violence against women and girls and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms;

4. *Calls upon* States to take all necessary measures to ensure the rights of women and girls to the enjoyment of the highest attainable standard of health, including sexual and reproductive health, and develop sustainable health systems and social services, with a view to ensuring access to such systems and services without discrimination, while paying special attention to adequate food and nutrition, family planning information, increasing knowledge and awareness and securing appropriate prenatal and post-natal care for the prevention of obstetric fistula;

5. *Also calls upon* States to ensure that girls have equal access to free and compulsory primary education of good quality and that they complete their education at that level, and to renew their efforts to improve and expand girls' and women's education at all levels, including at secondary and higher levels, as well as

vocational education and technical training, in order to, inter alia, achieve gender equality, the empowerment of women and poverty eradication;

6. *Urges* States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses and, in addition, to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage, and to raise the minimum age for marriage where necessary;

7. *Calls upon* States and/or the relevant funds and programmes, organs and specialized agencies of the United Nations system, within their respective mandates, and invites the international financial institutions and all relevant actors of civil society, including non-governmental organizations, and the private sector, to:

(a) Develop, implement and support national and international prevention, care and treatment strategies, as appropriate, to effectively address the condition of obstetric fistula and to further develop a multisectoral, multidisciplinary, comprehensive and integrated approach in order to bring about lasting solutions and put an end to obstetric fistula, maternal mortality and related morbidities, including through ensuring access to affordable, comprehensive, quality maternal health-care services, including skilled birth attendance and emergency obstetric care;

(b) Strengthen the capacity of health systems to provide the essential services needed to prevent obstetric fistula and to treat those cases that do occur by providing the continuum of services, including family planning, prenatal care, skilled birth attendance, emergency obstetric care and post-partum care, to young women and girls, including those living in poverty and in underserved rural areas where obstetric fistula is most common;

(c) Redouble their efforts to meet the internationally agreed goal of improving maternal health by increasing access to skilled attendance at birth and emergency obstetric care, and appropriate prenatal and post-natal care;

(d) Provide essential health services, equipment and supplies and skills training and income-generating projects to young women and girls so that they can break out of a cycle of poverty;

(e) Mobilize funding to provide free or subsidized fistula repairs, including through encouraging more networking among providers and the sharing of new treatment techniques and protocols;

(f) Provide health education, rehabilitation and counselling, including medical counselling, as key components of post-operative care;

(g) Bring obstetric fistula to the attention of policymakers and communities, thereby reducing the stigma and discrimination associated with it and helping women and girls suffering from obstetric fistula so that they can overcome abandonment and social exclusion together with the psychosocial implications thereof, inter alia, through support of social reintegration projects;

(h) Educate individual women and men, girls and boys, communities, policymakers and health professionals about how obstetric fistula can be prevented and treated and increase awareness of the needs of pregnant women and girls, including their right to the highest attainable standard of health, through working with community and religious leaders, traditional birth attendants, media, radio

stations, influential public figures and policymakers, and support the training of doctors, nurses and other health workers in lifesaving obstetric care, and include training on fistula repair, treatment and care as a standard element of health professionals training curricula;

(i) Develop means of transportation and financing that enable women and girls to access obstetric care and to access treatment, and provide incentives and other means to secure the presence in rural areas of qualified health professionals who are able to perform interventions to prevent obstetric fistula;

8. *Calls upon* the international community to support the activities of the United Nations Population Fund and other partners in the global Campaign to End Fistula, including the World Health Organization, in establishing and financing regional fistula treatment and training centres through identifying and supporting health facilities that have the potential to serve as centres for treatment, training and convalescent care;

9. *Encourages* communication and networking among existing fistula centres to facilitate training, research, advocacy and fund-raising and the development and application of relevant standards, including *Obstetric Fistula: Guiding Principles for Clinical Management and Programming Development* of the World Health Organization,[10] which provides background information along with principles for developing fistula prevention and treatment strategies and programmes;

10. *Urges* the international community to address the shortages of trained doctors, nurses and other health workers in lifesaving obstetric care, and of space and supplies, which limit the capacity of most of the fistula centres;

11. *Urges* multilateral donors, and invites international financial institutions, within their respective mandates, and regional development banks to review and implement policies to support national efforts to ensure that a higher proportion of resources reach young women and girls, in particular in rural and remote areas;

12. *Invites* Member States to contribute to efforts to end obstetric fistula, including, in particular, to the United Nations Population Fund global Campaign to End Fistula, with the goal of eliminating obstetric fistula by 2015, in line with the targets of the Millennium Development Goal of improving maternal health;

13. *Requests* the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution, under the item entitled "Advancement of women".

[10] Geneva, World Health Organization, 2006.

Draft resolution II
World Autism Awareness Day

The General Assembly,

Recalling the 2005 World Summit Outcome[1] and the United Nations Millennium Declaration,[2] as well as the outcomes of the major United Nations conferences and summits in the economic, social and related fields,

Recalling also the Convention on the Rights of the Child[3] and the Convention on the Rights of Persons with Disabilities,[4] according to which children with disabilities should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community, as well as the full enjoyment of all human rights and fundamental freedoms on an equal basis with other children,

Affirming that ensuring and promoting the full realization of all human rights and fundamental freedoms for all persons with disabilities is critical to achieving internationally agreed development goals,

Aware that autism is a lifelong developmental disability that manifests itself during the first three years of life and results from a neurological disorder that affects the functioning of the brain, mostly affecting children in many countries irrespective of gender, race or socio-economic status, and characterized by impairments in social interaction, problems with verbal and non-verbal communication and restrictive, repetitive behaviour, interests and activities,[5]

Deeply concerned by the prevalence and high rate of autism in children in all regions of the world and the consequent developmental challenges to long-term health care, education, training and intervention programmes undertaken by Governments, non-governmental organizations and the private sector, as well as its tremendous impact on children, their families, communities and societies,

Recalling that early diagnosis and appropriate research and interventions are vital to the growth and development of the individual,

1. *Decides* to designate 2 April as World Autism Awareness Day, to be observed every year beginning in 2008;

2. *Invites* all Member States, relevant organizations of the United Nations system and other international organizations, as well as civil society, including non-governmental organizations and the private sector, to observe World Autism Awareness Day in an appropriate manner, in order to raise public awareness of autism;

3. *Encourages* Member States to take measures to raise awareness throughout society, including at the family level, regarding children with autism;

4. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and United Nations organizations.

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[1] See resolution 60/1.

[2] See resolution 55/2.

[3] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[4] Resolution 61/106, annex I.

[5] *International Statistical Classification of Diseases and Related Health Problems*, Tenth Revision, F84.0 and F84.1; endorsed by the forty-third World Health Assembly in May 1990.

Draft resolution III
The girl child

The General Assembly,

Recalling its resolution 60/141 of 16 December 2005 and all relevant resolutions, including the agreed conclusions of the Commission on the Status of Women, in particular those relevant to the girl child,

Reaffirming the equal rights of women and men as enshrined in the Charter of the United Nations,

Recalling all human rights and other instruments relevant to the rights of the child, in particular the girl child, including the Convention on the Rights of the Child[1] and the Convention on the Elimination of All Forms of Discrimination against Women[2] and their Optional Protocols,

Welcoming the Convention on the Rights of Persons with Disabilities[3] being open for signature, particularly as it explicitly recognizes the specific situation of girls with disabilities,

Reaffirming the internationally agreed development goals, including the Millennium Development Goals, as well as the commitments relevant to the girl child made at the 2005 World Summit,[4]

Reaffirming also the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[5] the Declaration of Commitment on HIV/AIDS adopted at the twenty-sixth special session of the General Assembly on HIV/AIDS, entitled "Global Crisis — Global Action",[6] and the 2006 Political Declaration on HIV/AIDS,[7]

Reaffirming further all other relevant outcomes of major United Nations summits and conferences relevant to the girl child, as well as their five- and ten-year reviews, including the Beijing Declaration[8] and Platform for Action[9] adopted at the Fourth World Conference on Women, the outcome of the twenty-third special session of the General Assembly entitled "Women 2000: gender equality, development and peace for the twenty-first century",[10] the Programme of Action of the International Conference on Population and Development,[11] and the Programme of Action of the World Summit for Social Development[12] and the declaration

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[1] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[2] Ibid., vol. 1249, No. 20378.
[3] Resolution 61/106, annex.
[4] See resolution 60/1.
[5] Resolution S-27/2, annex.
[6] Resolution S-26/2, annex.
[7] Resolution 60/262, annex.
[8] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.
[9] Ibid., annex II.
[10] Resolution S-23/2, annex, and resolution S-23/3, annex.
[11] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.
[12] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annex II.

adopted in 2005 by the Commission on the Status of Women at its forty-ninth session,[13]

Reaffirming the Dakar Framework for Action, adopted at the World Education Forum in 2000,[14]

Welcoming the study on violence against children by the independent expert of the Secretary-General[15] and the in-depth study of the Secretary-General on all forms of violence against women,[16] and taking note of the recommendations contained therein,

Recognizing that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizing also that chronic poverty remains the single biggest obstacle to meeting the needs of and protecting and promoting the rights of children and that urgent national and international action is therefore required to eliminate it,

Recognizing also that girl children are often at greater risk of being exposed to and encountering various forms of discrimination and violence, and reaffirming the need to achieve gender equality to ensure a just and equitable world for girls, including through partnering with men and boys, as an important strategy for advancing the rights of the girl child,

Recognizing further that the empowerment of girls is key in breaking the cycle of discrimination and violence and in promoting and protecting the full and effective enjoyment of their human rights, and further recognizing that empowering girls requires the active support and engagement of their parents, legal guardians, families, boys and men, as well as the wider community,

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often result in less access for girls to education, nutrition and physical and mental health care, and in girls enjoying fewer of the rights, opportunities and benefits of childhood and adolescence than boys, in leaving them more vulnerable than boys to the consequences of unprotected and premature sexual relations and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence, abuse, rape, incest and honour-related crimes and harmful traditional practices, such as female infanticide, early marriage, forced marriage, prenatal sex selection and female genital mutilation,

Deeply concerned also that female genital mutilation is an irreparable, irreversible harmful practice that affects more than one hundred and thirty million women and girls alive today and that each year a further two million girls are at risk of undergoing the harmful procedure,

Deeply concerned further that, in situations of poverty, war and armed conflict, girl children are among those most affected and furthermore become the victims of sexual violence, abuse and exploitation and sexually transmitted diseases,

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[13] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A.

[14] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[15] See A/62/209.

[16] A/61/122 and Add.1 and Add.1/Corr.1.

including HIV/AIDS, which have a serious impact on the quality of their lives and leave them open to further discrimination, violence and neglect, thus limiting their potential for full development,

Emphasizing that increased access to education, including in the areas of sexual and reproductive health, for young people, especially girls, dramatically lowers their vulnerability to preventable diseases, in particular HIV/AIDS infection and sexually transmitted diseases,

Concerned by the increasing number of child-headed households, in particular those headed by orphan girls, including those orphaned by the HIV/AIDS pandemic,

Deeply concerned that early childbearing and limited access to sexual and reproductive health care, including in the area of emergency obstetric care, causes high levels of obstetric fistula and maternal mortality and morbidity,

Convinced that racism, racial discrimination, xenophobia and related intolerance reveal themselves in a differentiated manner for women and girls and can be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and limitation or denial of their human rights,

Welcoming the holding of the commemorative high-level plenary meeting on children, to take place on 11 and 12 December 2007,

1. *Stresses* the need for full and urgent implementation of the rights of the girl child as provided to her under human rights instruments, and urges States to consider signing, ratifying or acceding to the Convention on the Rights of the Child[1] and the Convention on the Elimination of All Forms of Discrimination against Women[2] as a matter of priority;

2. *Urges* States to consider signing, ratifying, or acceding to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women[17] and the Optional Protocols to the Convention on the Rights of the Child;[18]

3. *Calls upon* States to consider signing, ratifying or acceding to the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto;[19]

4. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138), and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182), of the International Labour Organization to consider doing so;

5. *Urges* all Governments and the United Nations system to strengthen efforts bilaterally and with international organizations and private-sector donors in order to achieve the goals of the World Education Forum,[14] in particular that of eliminating gender disparities in primary and secondary education by 2005, which have not been fully met, and to implement the United Nations Girls' Education

[17] United Nations, *Treaty Series*, vol. 2131, No. 20378.

[18] Ibid., vol. 2171, No. 27531, and vol. 2173, No. 27531.

[19] Resolution 61/106, annexes I and II.

Initiative as a means of reaching this goal, and calls for the implementation of and reaffirms the commitments contained in the United Nations Millennium Declaration,[20] particularly those related to education;

6. *Calls upon* States and the international community to recognize the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families;

7. *Calls upon* all States to take measures to address the obstacles that continue to affect the achievement of the goals set forth in the Beijing Platform for Action,[9] as contained in paragraph 33 of the further actions and initiatives to implement the Beijing Declaration and Platform for Action,[21] where appropriate, including the strengthening of national mechanisms to implement policies and programmes for the girl child and, in some cases, to enhance coordination among responsible institutions for the realization of the human rights of girls, as indicated in the further actions and initiatives;

8. *Stresses* the importance of a substantive assessment of the implementation of the Beijing Platform for Action with a life-cycle perspective so as to identify gaps and obstacles in the implementation process and to develop further actions for the achievement of the goals of the Platform for Action;

9. *Calls upon* all States and international and non-governmental organizations, individually and collectively, to implement further the Beijing Platform for Action, in particular the strategic objectives relating to the girl child, and the further actions and initiatives, and to mobilize all necessary resources and support in order to achieve the goals and strategic objectives and actions set out in the Beijing Declaration[8] and Platform for Action;

10. *Urges* States to improve the situation of girl children living in poverty, deprived of nutrition, water and sanitation facilities, with no access to basic health-care services, shelter, education, participation and protection, taking into account that while a severe lack of goods and services hurts every human being, it is most threatening and harmful to the girl child, leaving her unable to enjoy her rights, to reach her full potential and to participate as a full member of society;

11. *Also urges* States to ensure that the applicable requirements of the International Labour Organization for the employment of girls and boys are respected and effectively enforced and that girls who are employed have equal access to decent work, equal payment and remuneration, are protected from economic exploitation, discrimination, sexual harassment, violence and abuse in the workplace, are aware of their rights and have access to formal and non-formal education, skills development and vocational training, and further urges States to develop gender-sensitive measures, including national action plans where

[20] See resolution 55/2.

[21] Resolution S-23/2, annex.

appropriate, to eliminate the worst forms of child labour, including commercial sexual exploitation, slavery-like practices, forced and bonded labour, trafficking and hazardous forms of child labour;

12. *Urges* all States to promote gender equality and equal access to basic social services, such as education, nutrition, health care, including sexual and reproductive health, vaccinations and protection from diseases representing the major causes of mortality, and to mainstream a gender perspective in all development policies and programmes, including those relating to children as well as those specific to the girl child;

13. *Also urges* all States to enact and enforce legislation to protect girls from all forms of violence and exploitation, including female infanticide and prenatal sex selection, female genital mutilation, rape, domestic violence, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, trafficking and forced migration, forced labour and early and forced marriage, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence and discrimination;

14. *Urges* States to formulate comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to eliminate all forms of discrimination and violence against women and girls, which should be widely disseminated and should provide targets and timetables for implementation, as well as effective domestic enforcement procedures through the establishment of monitoring mechanisms involving all parties concerned, including consultations with women's organizations, giving attention to the recommendations relating to the girl child of the Special Rapporteurs of the Human Rights Council on violence against women, its causes and consequences and on trafficking in persons, especially women and children, of the Secretary-General and his in-depth study on all forms of violence against women[16] and of the independent expert in his study on violence against children;[15]

15. *Also urges* States to ensure that the right of children to express themselves and participate in all matters affecting them, in accordance with their age and maturity, is fully and equally enjoyed by girls;

16. *Further urges* States to involve girls, including girls with special needs, and their representative organizations, in decision-making processes, as appropriate, and to include them as full and active partners in identifying their own needs and in developing, planning, implementing and assessing policies and programmes to meet those needs;

17. *Recognizes* that a considerable number of girl children are particularly vulnerable, including orphans, children living on the street, internally displaced and refugee children, children affected by trafficking and sexual and economic exploitation, children living with HIV and AIDS, children who are incarcerated who live without parental support, and therefore urges States, with the support of the international community, where relevant, to take appropriate measures to address the needs of such children by implementing national policies and strategies to build and strengthen governmental, community and family capacities to provide a supportive environment for such children, including by providing appropriate counselling and psychosocial support, and ensuring their enrolment in school and

access to shelter, good nutrition and health and social services on an equal basis with other children;

18. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, in particular girls, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

19. *Urges* all States and the international community to respect, protect and promote the rights of the girl child, taking into account the particular vulnerabilities of the girl child in pre-conflict, conflict and post-conflict situations, and further urges States to take special measures for the protection of girls, in particular to protect them from sexually transmitted diseases, such as HIV/AIDS, gender-based violence, including rape, sexual abuse and sexual exploitation, torture, abduction and forced labour, paying special attention to refugee and displaced girls, and to take into account their special needs in the delivery of humanitarian assistance and disarmament, demobilization, rehabilitation assistance and reintegration processes;

20. *Deplores* all cases of sexual exploitation and abuse of women and children, especially girls, in humanitarian crises, including those cases involving humanitarian workers and peacekeepers, and urges States to take effective measures to address gender-based violence in humanitarian emergencies and to make possible all efforts to ensure that their laws and institutions are adequate to prevent, promptly investigate and prosecute acts of gender-based violence;

21. *Deplores further* all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in United Nations operations, welcomes the efforts undertaken by United Nations agencies and peacekeeping operations to implement a zero-tolerance policy in this regard, and requests the Secretary-General and personnel-contributing countries to continue to take all appropriate action necessary to combat these abuses by such personnel, including through the full implementation without delay of those measures adopted in the relevant General Assembly resolutions based on recommendations of the Special Committee on Peacekeeping Operations;[22]

22. *Calls upon* Governments, civil society, including the media, and non-governmental organizations to promote human rights education and full respect for and the enjoyment of the human rights of the girl child, inter alia, through the translation, production and dissemination of age-appropriate and gender-sensitive information material on those rights to all sectors of society, in particular to children;

23. *Requests* the Secretary-General, as Chairman of the United Nations System Chief Executives Board for Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the United Nations Development Fund for Women, the World Health Organization, the United Nations Development Programme, the Office of the United

[22] See *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 19* (A/59/19/Rev.1).

Nations High Commissioner for Refugees and the International Labour Organization, take into account the rights and the particular needs of the girl child in country programmes of cooperation in accordance with national priorities, including through the United Nations Development Assistance Framework;

24. *Requests* all human rights treaty bodies and the human rights mechanisms of the Human Rights Council, including the special procedures, to adopt regularly and systematically a gender perspective in the implementation of their mandates and to include in their reports information on the qualitative analysis of violations of the human rights of women and girls, and encourages the strengthening of cooperation and coordination in that regard;

25. *Requests* States to ensure that, in all policies and programmes designed to provide comprehensive HIV/AIDS prevention, treatment, care and support, particular attention and support is given to the girl child at risk, infected with and affected by HIV/AIDS, including pregnant girls and young and adolescent mothers, as part of the global effort to scale up significantly towards achieving the goal of universal access to comprehensive prevention, treatment, care and support by 2010;

26. *Invites* States to promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to the girl child, including bilateral and private sector initiatives as well as initiatives on a voluntary basis by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development, including those that aim to provide further access to drugs at affordable prices to developing countries on a sustainable and predictable basis, and in this regard takes note of the International Drug Purchase Facility;

27. *Calls upon* all States to integrate food and nutritional support with the goal that children, especially girl children, at all times have access to sufficient, safe and nutritious food to meet their dietary needs and food preferences, for an active and healthy life, as part of a comprehensive response to HIV/AIDS and other communicable diseases;

28. *Urges* States and the international community to increase resources at all levels, particularly in the education and health sectors, to enable young people, especially girls, to gain the knowledge, attitudes and skills that they need to prevent HIV/AIDS and early pregnancy and to enjoy the highest attainable standard of physical and mental health, including sexual and reproductive health;

29. *Urges* States, the international community, the relevant United Nations entities, civil society and international financial institutions to continue to actively support, through the allocation of increased financial resources, targeted innovative programmes that address ending female genital mutilation and developing and providing education programmes and sensitization workshops on the dire consequences for the health of the girl of this harmful practice and to provide for those who perform the harmful procedure training programmes so that they may adopt an alternative profession;

30. *Calls upon* States to strengthen the capacity of national health systems, and in this regard calls upon the international community to assist national efforts, including by allocation of adequate resources in order to provide essential services needed to prevent obstetric fistula and to treat those cases that occur by providing the continuum of services, including family planning, prenatal and post-natal care,

skilled birth attendants, emergency obstetric care and post-partum care, to adolescent girls, including those living in poverty and in underserved rural areas where obstetric fistula is most common;

31. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, inter alia, by cooperating, supporting and participating in global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration, are realized within their time framework, and reaffirming that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

32. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-fourth session on the implementation of the present resolution, including an emphasis on ending female genital mutilation, using information provided by Member States, the organizations and bodies of the United Nations system and non-governmental organizations, with a view to assessing the impact of the present resolution on the well-being of the girl child.

Draft resolution IV
Rights of the child

The General Assembly,

Recalling its previous resolutions on the rights of the child, the most recent of which is resolution 61/146 of 19 December 2006, and its resolution 60/141 of 16 December 2005, as well as Commission on Human Rights resolution 2005/44 of 19 April 2005,[1]

Emphasizing that the Convention on the Rights of the Child[2] must constitute the standard in the promotion and protection of the rights of the child, and bearing in mind the importance of the Optional Protocols to the Convention,[3] as well as other human rights instruments,

Reaffirming the Vienna Declaration and Programme of Action,[4] the United Nations Millennium Declaration[5] and the outcome document of the twenty-seventh special session of the General Assembly on children, entitled "A world fit for children",[6] and recalling the Copenhagen Declaration on Social Development and the Programme of Action,[7] the Dakar Framework for Action adopted at the World Education Forum,[8] the Declaration on Social Progress and Development,[9] the Universal Declaration on the Eradication of Hunger and Malnutrition[10] and the Declaration on the Right to Development,[11]

Recognizing the importance of the integration of child rights issues into the follow-up of the outcome documents of all major United Nations conferences, special sessions and summits,

Taking note with appreciation of the reports of the Secretary-General on progress made towards achieving the commitments set out in the outcome document of the twenty-seventh special session of the General Assembly[12] and on the status of the Convention on the Rights of the Child and the issues raised in Assembly resolution 61/146,[13] as well as the report of the Chairperson of the Committee on the Rights of the Child,[14]

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[1] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigendum (E/2005/23 and Corr.1), chap. II, sect. A.

[2] United Nations, *Treaty Series*, vol. 1579, No. 27531.

[3] Ibid., vol. 2171, No. 27531; and ibid., vol. 2173, No. 27531.

[4] A/CONF.157/24 (Part I), chap. III.

[5] See resolution 55/2.

[6] Resolution S-27/2, annex.

[7] *Report of the World Summit for Social Development, Copenhagen, 6-12 March 1995* (United Nations publication, Sales No. E.96.IV.8), chap. I, resolution 1, annexes I and II.

[8] See United Nations Educational, Scientific and Cultural Organization, *Final Report of the World Education Forum, Dakar, Senegal, 26-28 April 2000* (Paris, 2000).

[9] See resolution 2542 (XXIV).

[10] *Report of the World Food Conference, Rome, 5-16 November 1974* (United Nations publication, Sales No. E.75.II.A.3), chap. I.

[11] Resolution 41/128, annex.

[12] A/61/270.

[13] A/62/182.

[14] See *Official Records of the General Assembly, Sixty-second Session, Third Committee*, 14th meeting (A/C.3/62/SR.14).

Recognizing the importance of incorporating a child-protection perspective across the human rights agenda, as highlighted in the outcome of the 2005 World Summit,

Taking note with appreciation of the attention paid to children in the Convention on the Rights of Persons with Disabilities[15] and in the International Convention for the Protection of All Persons from Enforced Disappearance,[16]

Noting with appreciation the attention paid to children in the United Nations Declaration on the Rights of Indigenous Peoples,[17]

Profoundly concerned that the situation of children in many parts of the world remains critical, in an increasingly globalized environment, as a result of the persistence of poverty, social inequality, inadequate social and economic conditions, pandemics, in particular HIV/AIDS, malaria and tuberculosis, environmental damage, natural disasters, armed conflict, foreign occupation, displacement, violence, terrorism, abuse, exploitation, trafficking in children and their organs, child prostitution, child pornography and child sex tourism, neglect, illiteracy, hunger, intolerance, discrimination, racism, xenophobia, gender inequality, disability and inadequate legal protection, and convinced that urgent and effective national and international action is called for,

Reiterating that eradicating poverty is the greatest global challenge facing the world today and an indispensable requirement for sustainable development, in particular for developing countries, and recognizing that chronic poverty remains the single biggest obstacle to meeting the needs and protecting and promoting the rights of children, and that urgent national and international action is therefore required to eliminate it,

Reaffirming that democracy, development, peace and security, and the full and effective enjoyment of all human rights and fundamental freedoms are interdependent and mutually reinforcing and contribute to the eradication of extreme poverty,

Reaffirming also the need for mainstreaming a gender perspective in all policies and programmes relating to children, and recognizing the child as a rights holder in all policies and programmes relating to children,

Welcoming the holding of a commemorative high-level plenary meeting, which will take place on 11 and 12 December 2007, to evaluate progress made in the implementation of the Declaration and the Plan of Action contained in the document entitled "A world fit for children", recalling that particular attention must be paid to the protection and the rights of children living in poverty, and encouraging the inclusion of children and young people in delegations of Member States,

I
Implementation of the Convention on the Rights of the Child and the Optional Protocols thereto

1. *Reaffirms* that the general principles of, inter alia, the best interests of the child, non-discrimination, participation and survival and development provide the framework for all actions concerning children, including adolescents;

[15] Resolution 61/106, annex I.
[16] Resolution 61/177, annex.
[17] Resolution 61/295, annex.

2. *Urges* States that have not yet done so to become parties to the Convention on the Rights of the Child[2] and the Optional Protocols thereto[3] as a matter of priority and to implement them fully by, inter alia, putting in place effective national legislation, policies and action plans, strengthening relevant governmental structures for children and ensuring adequate and systematic training in the rights of the child for all those working with and for children, as well as ensuring child rights education for children themselves;

3. *Urges* States parties to withdraw reservations that are incompatible with the object and purpose of the Convention or the Optional Protocols thereto and to consider reviewing regularly other reservations with a view to withdrawing them in accordance with the Vienna Declaration and Programme of Action;[4]

4. *Calls upon* States to establish or strengthen national bodies, such as, inter alia, independent ombudspersons for children, where appropriate, or other institutions for the promotion and protection of the rights of the child;

5. *Welcomes* the work of the Committee on the Rights of the Child, and calls upon all States to strengthen their cooperation with the Committee, to comply in a timely manner with their reporting obligations under the Convention and the Optional Protocols thereto, in accordance with the guidelines elaborated by the Committee, and to take into account its recommendations on implementation of the Convention;

6. *Takes note with appreciation* of the initiatives undertaken by the Committee on the Rights of the Child aimed at promoting a better understanding of and fuller compliance with the rights enshrined in the Convention, namely through the organization of days of general discussion and the adoption of general comments;

7. *Requests* all relevant organs and mechanisms of the United Nations system regularly and systematically to incorporate a strong child rights perspective throughout all activities in the fulfilment of their mandates, as well as to ensure that their staff are trained in child rights matters, and calls upon States to continue to cooperate closely with all those organs and mechanisms, in particular the special rapporteurs and special representatives of the United Nations system;

8. *Encourages* States to strengthen their national statistical capacities and to use statistics disaggregated, inter alia, by age, gender and other relevant factors that may lead to disparities and other statistical indicators at the national, subregional, regional and international levels to develop and assess social policies and programmes so that economic and social resources are used efficiently and effectively for the full realization of the rights of the child;

II
Protection and promotion of the rights of the child and non-discrimination against children

Non-discrimination

9. *Calls upon* all States to ensure the enjoyment by children of all their civil, cultural, economic, political and social rights without discrimination of any kind;

10. *Notes with concern* the large number of children who are victims of racism, racial discrimination, xenophobia and related intolerance, stresses the need to incorporate special measures, in accordance with the principles of, inter alia, non-discrimination, the best interests of the child, survival and development and respect for his or her views, in programmes to combat racism, racial discrimination, xenophobia and related intolerance, and calls upon States to provide special support and ensure equal access to services for all children;

11. *Calls upon* States to take all necessary and effective measures, including legal reforms where appropriate, to eliminate all forms of discrimination against girls and all forms of violence, including female infanticide and prenatal sex selection, rape, sexual abuse and harmful traditional or customary practices, including female genital mutilation, early marriage, marriage without the free and full consent of the intending spouses and forced sterilization, by enacting and enforcing legislation and, where appropriate, by formulating comprehensive, multidisciplinary and coordinated national plans, programmes or strategies to protect girls;

12. *Also calls upon* States to take the necessary measures to ensure the full and equal enjoyment of all human rights and fundamental freedoms by children with disabilities in both the public and the private spheres, including access to good quality education and health care and protection from violence, abuse and neglect, and to develop and, where it already exists, to enforce legislation to prohibit discrimination against them in order to ensure their inherent dignity, promote their self-reliance and facilitate their active participation and integration in the community, taking into account the particularly difficult situation of children with disabilities living in poverty;

13. *Urges* all States to respect and promote the right of girls and boys to express themselves freely, to ensure that their views are given due weight, in accordance with their age and maturity, in all matters affecting them and to involve children, including children with special needs, in decision-making processes, taking into account the evolving capacities of children and the importance of involving children's organizations and child-led initiatives;

14. *Also urges* all States in particular to strengthen the participation of children and adolescents in planning and implementation relating to matters that affect them, such as health, environment, education, social and economic welfare and protection against violence, abuse and exploitation;

Registration, family relations and adoption or other forms of alternative care

15. *Once again urges* all States parties to intensify their efforts to comply with their obligations under the Convention on the Rights of the Child to preserve the child's identity, including nationality, name and family relations, as recognized by law, to allow for the registration of the child immediately after birth, to ensure that registration procedures are simple, expeditious and effective and provided at minimal or no cost and to raise awareness of the importance of birth registration at the national, regional and local levels;

16. *Encourages* States to adopt and enforce laws and improve the implementation of policies and programmes to protect children growing up without parents or caregivers, recognizing that, where alternative care is necessary, family-

and community-based care should be promoted over placement in institutions, and in this context welcomes the ongoing process aimed at elaborating a set of United Nations guidelines for the appropriate use and conditions of alternative care for children, which are aimed at enhancing the implementation of the Convention and of other relevant legal international human rights instruments, regarding the protection and well-being of children who are in need of alternative care or who are at risk of becoming so;

17. *Calls upon* States to guarantee, to the extent consistent with the obligations of each State, the right of a child whose parents reside in different States to maintain, on a regular basis, save in exceptional circumstances, personal relations and direct contact with both parents by providing enforceable means of access and visitation in both States and by respecting the principle that both parents have common responsibilities for the upbringing and development of their children;

18. *Also calls upon* States to address and pay particular attention to cases of international parental or familial child abduction, and encourages States to engage in multilateral and bilateral cooperation to resolve these cases, preferably by accession to or ratification of the Hague Convention on the Civil Aspects of International Child Abduction,[18] and therefore to be in full compliance with the Convention, and to facilitate, inter alia, the return of the child to the country in which he or she resided immediately before the removal or retention;

19. *Further calls upon* States to take all necessary measures to prevent and combat illegal adoptions and all adoptions that are not in the best interests of the child;

Economic and social well-being of children

20. *Calls upon* States and the international community to create an environment in which the well-being of the child is ensured, including through strengthening international cooperation in this field;

Eradication of poverty

21. *Calls upon* States to cooperate, support and participate in the global efforts for poverty eradication at the global, regional and country levels, recognizing that strengthened availability and effective allocation of resources are required at all these levels, in order to ensure that all the internationally agreed development and poverty eradication goals, including those set out in the United Nations Millennium Declaration,[5] are realized within their time framework, and reaffirms that investments in children and the realization of their rights are among the most effective ways to eradicate poverty;

22. *Reaffirms* that the primary responsibility for ensuring an enabling environment for securing the well-being of children, in which the rights of each and every child are promoted and respected, rests with each individual State;

23. *Calls upon* all States and the international community to mobilize all necessary resources, support and efforts to eradicate poverty, according to national plans and strategies and in consultation with national Governments, including through an integrated and multifaceted approach based on the rights and well-being

[18] United Nations, *Treaty Series*, vol. 1343, No. 22514.

of children, and to continue their efforts to realize the internationally agreed development and poverty eradication goals, including the Millennium Development Goals;

Right to education

24. *Recognizes* the right to education on the basis of equal opportunity and non-discrimination by making primary education compulsory and available free to all children, ensuring that all children have access to education of good quality, as well as making secondary education generally available and accessible to all, in particular through the progressive introduction of free education, bearing in mind that special measures to ensure equal access, including affirmative action, contribute to achieving equal opportunity and combating exclusion, and ensuring school attendance, in particular for girls and children from low-income families in order to achieve the objectives of Education For All, with the aim of realizing Millennium Development Goal 2;

25. *Takes note with appreciation* of the report of the Special Rapporteur on the right to education,[19] which is devoted to the right to inclusive education of persons with disabilities, and, in this context, calls upon States to consider carefully the recommendations contained therein, namely to take steps towards ensuring an effective inclusive education system;

Right to the enjoyment of the highest attainable standard of health

26. *Calls upon* States:

(a) To take all necessary measures to ensure the right of the child to the enjoyment of the highest attainable standard of health and to develop sustainable health systems and social services, ensuring access to such systems and services without discrimination, paying special attention to adequate food and nutrition and combating disease and malnutrition, to access to safe drinking water and sanitation, to the special needs of male and female adolescents and to reproductive and sexual health, and securing appropriate prenatal and post-natal care for mothers, including measures to prevent mother-to-child transmission of HIV, and in this context to realize Millennium Development Goals 4, 5 and 6;

(b) To assign priority to developing and implementing activities and programmes aimed at treating and preventing addictions, in particular addiction to alcohol and tobacco, and the abuse of narcotic drugs, psychotropic substances and inhalants;

(c) To support adolescents to be able to deal positively and responsibly with their sexuality in order to protect themselves from HIV/AIDS infection and to implement measures to increase their capacity to protect themselves from HIV/AIDS through, inter alia, the provision of health care, including for sexual and reproductive health, and through preventive education that promotes gender equality;

(d) To develop and implement strategies, policies and programmes that identify and address those factors that make individuals particularly vulnerable to HIV infection in order to complement prevention programmes that address activities

[19] A/HRC/4/29 and Add.1-3.

that place individuals at risk for HIV infection, such as risky and unsafe behaviour and injecting drug use;

(e) To promote initiatives aimed at reducing the prices of antiretroviral drugs, especially second-line drugs, available to boys and girls, including bilateral and private sector initiatives, as well as initiatives on a voluntary basis by groups of States, including those based on innovative financing mechanisms that contribute to the mobilization of resources for social development, especially those that aim to provide further access to drugs at affordable prices to children in developing countries on a sustainable and predictable basis, and in this regard, notes the International Drug Purchase Facility, UNITAID;

(f) To design and implement programmes to provide social services and support to pregnant adolescents and adolescent mothers, in particular by enabling them and also the adolescent fathers to continue and complete their education;

Right to food

27. *Calls upon* all States to take immediate steps to eliminate child hunger, including through the adoption or strengthening of national programmes to address food security and adequate livelihoods, as well as nutritional security, especially in vitamin A, iron and iodine deficiencies, the promotion of breastfeeding, as well as programmes (for example, for school meals) that should ensure adequate nutrition for all children;

Promoting and protecting the rights of children, including children in particularly difficult situations

28. *Calls upon* all States to prevent violations of the rights of children working and/or living on the street, including discrimination, arbitrary detention and extrajudicial, arbitrary or summary executions, torture and all kinds of violence and exploitation, and to bring the perpetrators to justice, to adopt and implement policies for the protection, social and psychosocial rehabilitation and reintegration of those children and to adopt economic, social and educational strategies to address the problems of children working and/or living on the street;

29. *Also calls upon* all States to protect refugee, asylum-seeking and internally displaced children, taking into account their gender-specific needs, in particular those who are unaccompanied, who are particularly exposed to violence and risks in connection with armed conflict, such as recruitment, sexual violence and exploitation, stressing the need for States as well as the international community to continue to pay more systematic and in-depth attention to the special assistance, protection and development needs of those children through, inter alia, programmes aimed at rehabilitation and physical and psychological recovery, and to programmes for voluntary repatriation and, where appropriate and feasible, local integration and resettlement, to give priority to family tracing and family reunification and, where appropriate, to cooperate with international humanitarian and refugee organizations, including by facilitating their work;

30. *Further calls upon* all States to ensure, for children belonging to minorities and vulnerable groups, including migrant children and indigenous children, the enjoyment of all human rights as well as access to health care, social services and education on an equal basis with others and to ensure that all such

children, in particular victims of violence and exploitation, receive special protection and assistance;

31. *Calls upon* all States to address, as a matter of priority, the vulnerabilities faced by children affected by and living with HIV, by providing support and rehabilitation to those children and their families, women and the elderly, particularly in their role as caregivers, promoting child-oriented HIV/AIDS policies and programmes and increased protection for children orphaned and affected by HIV/AIDS, ensuring access to treatment and intensifying efforts to develop new treatments for children, and building, where needed, and supporting the social security systems that protect them;

32. *Also calls upon* all States to protect, in law and in practice, the inheritance and property rights of orphans, with particular attention to underlying gender-based discrimination, which may interfere with the fulfilment of these rights;

33. *Encourages* States to promote actions, including through bilateral and multilateral technical cooperation and financial assistance, for the social reintegration of children in difficult situations, considering, inter alia, views, skills and capacities that those children have developed in the conditions in which they lived and, where appropriate, with their meaningful participation;

Child labour

34. *Calls upon* all States to translate into concrete action their commitment to the progressive and effective elimination of child labour that is likely to be hazardous or to interfere with the child's education or to be harmful to the child's health or physical, mental, spiritual, moral or social development, to eliminate immediately the worst forms of child labour, to promote education as a key strategy in this regard, including the creation of vocational training and apprenticeship programmes and the integration of working children into the formal education system, and to examine and devise economic policies, where necessary, in cooperation with the international community, that address factors contributing to these forms of child labour;

35. *Urges* all States that have not yet signed and ratified or acceded to the Convention concerning Minimum Age for Admission to Employment, 1973 (Convention No. 138) and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (Convention No. 182) of the International Labour Organization to consider doing so;

Children alleged to have or recognized as having infringed penal law

36. *Calls upon* all States, in particular those States in which the death penalty has not been abolished:

(a) To abolish by law, as soon as possible, the death penalty and life imprisonment without possibility of release for those under the age of 18 years at the time of the commission of the offence;

(b) To comply with their obligations as assumed under relevant provisions of international human rights instruments, including the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights;[20]

(c) To keep in mind the safeguards guaranteeing protection of the rights of those facing the death penalty and the guarantees set out in United Nations safeguards adopted by the Economic and Social Council;

37. *Also calls upon* all States to ensure that no child in detention is sentenced to forced labour or any form of cruel or degrading punishment, or deprived of access to and provision of health-care services, hygiene and environmental sanitation, education, basic instruction and vocational training;

Prevention and eradication of the sale of children, child prostitution and child pornography

38. *Calls upon* all States:

(a) To criminalize and penalize effectively all forms of sexual exploitation and sexual abuse of children, including all acts of paedophilia, including within the family or for commercial purposes, child pornography and child prostitution, child sex tourism, trafficking in children, the sale of children and the use of the Internet and other information and communications technologies for these purposes, and to take effective measures against the criminalization of children who are victims of exploitation;

(b) To ensure the prosecution and punishment of offenders, whether local or foreign, by the competent national authorities, either in the country in which the crime was committed, in the country of which the offender is a national or resident, in the country of which the victim is a national, or on any other basis permitted under domestic law, and for these purposes to afford one another the greatest measure of assistance and the necessary collaboration for the prevention, detection, investigations or criminal or extradition proceedings;

(c) To criminalize and penalize effectively the sale of children, including for the purposes of transfer of organs of the child for profit, to increase cooperation at all levels to prevent and dismantle networks trafficking or selling children and their organs and, for those States that have not yet done so, to consider signing and ratifying or acceding to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;[21]

(d) To give due consideration to the recommendations made by the Special Rapporteur on the human rights aspects of the victims of trafficking in persons, especially women and children, in her last report,[22] which was devoted to the subject of forced marriage in the context of trafficking in persons;

(e) In cases of trafficking in children, the sale of children, child prostitution, child pornography and child sex tourism, to address effectively the needs of victims, including their safety, legal assistance and protection, physical and psychological recovery and full reintegration into society, paying particular attention to their

[20] See resolution 2200 A (XXI), annex.

[21] Resolution 55/25, annex II.

[22] A/HRC/4/23 and addenda.

gender-specific needs, including through bilateral and multilateral technical cooperation and financial assistance;

(f) To combat the existence of a market that encourages such criminal practices against children, including through the adoption, effective application and enforcement of preventive, rehabilitative and punitive measures targeting customers or individuals who sexually exploit or sexually abuse children, as well as by ensuring public awareness;

(g) To give priority to the identification of norms and standards on the responsibilities of transnational corporations and other business enterprises, particularly those involved in information and communications technologies related to respect for the rights of children, including the right to be protected from sexual abuse and exploitation, particularly in the virtual realm, as prohibited by the relevant legal instruments, and to outline basic measures to be taken for implementation;

(h) To mobilize public awareness, involving families and communities, with the participation of children, concerning the protection of children against all forms of sexual exploitation and abuse;

(i) To contribute to the prevention and elimination of the sale of children, child prostitution and child pornography by adopting a holistic approach, addressing the contributing factors, including underdevelopment, poverty, economic disparities, inequitable socio-economic structures, dysfunctional families, lack of education, urban-rural migration, gender discrimination, criminal or irresponsible adult sexual behaviour, child sex tourism, organized crime, harmful traditional practices, armed conflicts and trafficking in children;

(j) To take measures to eliminate the demand that fosters all forms of exploitation that leads to trafficking, including sexual exploitation and the sex tourism demand;

Children affected by armed conflict

39. *Strongly condemns* any recruitment or use of children in armed conflict contrary to international law, as well as other violations and abuses committed against children affected by armed conflict, and urges all States and other parties to armed conflict that are engaged in such practices to end them;

40. *Recalls*, in accordance with international humanitarian law, that indiscriminate attacks against civilians, including those who are children, are prohibited and that they shall not be the object of attack, including by way of reprisals or excessive use of force, condemns these practices, and demands that all parties immediately put an end to them;

41. *Calls upon* States:

(a) When ratifying the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,[23] to raise the minimum age for voluntary recruitment of persons into the national armed forces from that set out in article 38, paragraph 3, of the Convention, bearing in mind that under the

[23] United Nations, *Treaty Series*, vol. 2173, No. 27531.

Convention persons under 18 years of age are entitled to special protection, and to adopt safeguards to ensure that such recruitment is not forced or coerced;

(b) To take all feasible measures to ensure the demobilization and effective disarmament of children used in armed conflicts and to implement effective measures for their rehabilitation, physical and psychological recovery and reintegration into society, in particular through educational measures, taking into account the rights and the specific needs and capacities of girls;

(c) To ensure timely and adequate funding for rehabilitation and reintegration efforts for all children associated with armed forces and groups, particularly in support of national initiatives, to secure the long-term sustainability of such efforts;

(d) To encourage the involvement of young people in activities concerning the protection of children affected by armed conflict, including programmes for reconciliation, peace consolidation, peacebuilding and children-to-children networks;

(e) To protect children affected by armed conflict, in particular from violations of international humanitarian law and human rights law, and to ensure that they receive timely, effective humanitarian assistance, in accordance with international humanitarian law, including the Geneva Conventions of 12 August 1949,[24] and calls upon the international community to hold those responsible for violations accountable, inter alia, through the International Criminal Court;

(f) To take all feasible measures, in accordance with international humanitarian law and human rights law, as a matter of priority, to prevent the recruitment and use of children by armed groups, as distinct from the armed forces of a State, including the adoption of policies that do not tolerate the recruitment and use of children in armed conflict, and legal measures necessary to prohibit and criminalize such practices;

42. *Takes note* of the updating of the Cape Town Principles on child soldiers that led to the Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups, encourages Member States to consider using the Guidelines to inform their work in protecting children from the effects of armed conflicts, and requests the relevant entities of the United Nations system, within their mandates, and invites civil society, to assist Member States in this field;

43. *Reaffirms* the essential roles of the General Assembly, the Economic and Social Council and the Human Rights Council for the promotion and protection of the rights and welfare of children, including children affected by armed conflict, and notes the increasing role played by the Security Council in ensuring protection for children affected by armed conflict;

44. *Notes with appreciation* the steps taken regarding Security Council resolution 1612 (2005) of 26 July 2005 and the efforts of the Secretary-General to implement the monitoring and reporting mechanism on children and armed conflict in accordance with that resolution, with the participation of and in cooperation with national Governments and relevant United Nations and civil society actors,

[24] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

including at the country level, as well as the work carried out by United Nations child protection advisers in peacekeeping operations;

45. *Takes note with appreciation* of the work of the Special Representative of the Secretary-General for Children and Armed Conflict, recognizes the progress achieved since the establishment of the mandate of the Special Representative, takes note of part one of her report to the General Assembly,[25] and looks forward to the continuation of her work and activities in the future with due respect to resolution 60/231 of 23 December 2005;

46. *Takes note* of part two of the report of the Special Representative,[26] on the strategic review of the 1996 study by Graça Machel entitled "Impact of armed conflict on children",[27] and of the significant developments and achievements in the protection of children in armed conflict at the national and international levels, calls upon Member States and observers, and invites relevant entities of the United Nations system as well as civil society, as appropriate, to carefully study its recommendations, recognizes the need for discussion on the issues raised therein, and stresses the need for the views of Member States to be fully taken into account in this regard;

III
Elimination of violence against children

47. *Takes note with appreciation* of the report of the independent expert for the United Nations study on violence against children,[28] notes the very positive response to the study from Member States and the progress made in translating and disseminating widely the study, the complementary *World Report on Violence against Children*, prepared by the independent expert, and the innovative child-friendly version of the report and educational materials;

48. *Encourages* all States and requests United Nations entities, regional organizations and civil society, including non-governmental organizations, to continue to widely disseminate and follow up on the study;

49. *Urges* all States to exercise leadership to end all forms of violence against children and support advocacy in this regard at all levels, including at the local, national, regional and international levels, and by all sectors, especially by political, community and religious leaders, as well as the public and private sectors, the media and civil society;

50. *Requests* the relevant organizations of the United Nations system, in particular the organizations members of the Inter-Agency Group on Violence against Children, to continue to explore ways and means, within their respective mandates, by which they can contribute more effectively to addressing the need to prevent and to respond to all forms of violence against children;

51. *Invites* all relevant international and regional human rights mechanisms, as appropriate, including relevant treaty bodies, in particular the Committee on the Rights of the Child and special procedures, to consider how most effectively to use

[25] A/62/228, part one.
[26] Ibid., part two.
[27] See A/51/306 and Add.1.
[28] A/62/209.

their respective mandates to contribute to the elimination of violence against children;

52. *Condemns* all forms of violence against children, including physical, mental, psychological and sexual violence, torture and other cruel, inhuman or degrading treatment, child abuse and exploitation, hostage-taking, domestic violence, trafficking in or sale of children and their organs, paedophilia, child prostitution, child pornography, child sex tourism, gang-related violence, bullying and harmful traditional practices, and urges States to strengthen efforts to prevent and protect children from all such violence through a comprehensive approach and to develop a multifaceted and systematic framework, which is integrated into national planning processes, to respond to violence against children;

53. *Also condemns* all kinds of abduction of children, in particular extortive abduction and abduction of children in situations of armed conflicts, including for the recruitment and use of children in armed conflicts, and urges States to take all appropriate measures to secure their unconditional release, rehabilitation, reintegration and reunification with their families;

54. *Urges* all States to strengthen international cooperation and mutual assistance to prevent and protect children from all forms of violence and to end impunity for crimes against children;

55. *Recognizes* the contribution of the International Criminal Court in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes, and calls upon States not to grant amnesties for such crimes;

56. *Acknowledges* the contributions of the international criminal tribunals and special courts in ending impunity for the most serious crimes against children, including genocide, crimes against humanity and war crimes;

57. *Urges* all States:

(a) To take effective and appropriate legislative and other measures or, where they exist, strengthen legislation to prohibit and eliminate all forms of violence against children;

(b) To consider taking appropriate measures to assert the right of children to respect for their human dignity and physical integrity and to prohibit and eliminate any emotional or physical violence or any other humiliating or degrading treatment;

(c) To give priority attention to the prevention of all forms of violence against children and to addressing its underlying causes, through a systematic, comprehensive and multifaceted approach;

(d) To protect children from all forms of violence or abuse by all those who work with and for children, including in educational settings, as well as by government officials, such as the police, law enforcement authorities and employees and officials in detention centres or welfare institutions;

(e) To end impunity for perpetrators of crimes against children, investigate and prosecute such acts of violence and impose appropriate penalties;

(f) To recognize that persons convicted of violent offences against and sexual abuse of children who continue to pose a risk of harm to children should be prevented from working with children;

(g) To actively engage with children and respect their views in all aspects of prevention, response and monitoring of violence against them, taking into account article 12 of the Convention on the Rights of the Child;

(h) To ensure national research and documentation to identify vulnerable groups of children, inform policy and programmes at all levels and track progress and best practices towards preventing all forms of violence against children;

(i) To strive to change attitudes that condone or normalize any form of violence against children, including cruel, inhuman or degrading forms of discipline, harmful traditional practices and all forms of sexual violence;

(j) To take measures to promote constructive and positive forms of discipline and child development approaches in all settings, including the home, schools and other educational settings and throughout care and justice systems;

(k) To take measures to ensure that all those who work with and for children protect children from bullying and implement preventive and anti-bullying policies;

(l) To establish and develop safe, well-publicized, confidential and accessible mechanisms to enable children, their representatives and others to report violence against children as well as to file complaints in cases of violence against children;

(m) To address the gender dimension of all forms of violence against children and incorporate a gender perspective in all policies adopted and actions taken to protect children against all forms of violence, acknowledging that girls and boys face varying risks from different forms of violence at different ages and in different situations, and, in this context, recalls the agreed conclusions of the Commission on the Status of Women at its fifty-first session, on the elimination of all forms of discrimination and violence against the girl child;[29]

(n) To further develop the capacity of all those who work with and for children and families to contribute to the elimination of all forms of violence against children, by investing in systematic education and training programmes, both initial and in-service, on preventing, detecting and responding to violence against children; norms, such as guidelines or codes of conduct, incorporating the rejection of all forms of violence against children, should be formulated and implemented;

(o) To ensure that all victims of violence have access to appropriate child-sensitive health and social services; special attention should be paid to the gender-specific needs of girls and boys who are victims of violence;

58. *Requests* the Secretary-General to appoint for a period of three years a Special Representative on violence against children, at the highest possible level, after which the mandate should be evaluated, including with regard to its funding, and ensure that the necessary support is made available to the Special Representative for the effective and independent performance of his/her mandate,

[29] *Official Records of the Economic and Social Council, 2007, Supplement No. 7* (E/2007/27), chap. I, sect. A.

encourages the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the World Health Organization and the International Labour Organization to cooperate with and provide support to the Special Representative, including financial, and calls upon States and institutions concerned, and invites the private sector, to provide voluntary contributions for that purpose;

59. *Recommends* that the Special Representative, taking care to avoid duplication with relevant United Nations mechanisms and treaty bodies:

(a) Act as a high-profile and independent global advocate to promote the prevention and elimination of all forms of violence against children in all regions, acting as a catalyst to stimulate the engagement of Member States and civil society to prevent and respond to violence against children, keeping the issue high on the international agenda and maintaining the attention to the issue of violence against children achieved through the process of the Secretary-General's study on violence against children;

(b) Promote and support, in cooperation with Member States, the implementation of the recommendations of the United Nations study on violence against children, where appropriate, recommending measures, ways and means at the national, regional and international levels to eliminate violence against children and its causes and to remedy its consequences, promoting and ensuring country ownership of national plans and programmes in this regard;

(c) Identify and share good practices to prevent and respond to violence against children, between States and across regions, assist Member States in their efforts to develop more comprehensive and systematic data collection on violence against children, and ensure cross-fertilization of experiences between the various sectors addressing violence against children, including those focused on human rights, child protection, well-being, development, public health and education;

(d) Work closely and cooperate fully with relevant United Nations treaty bodies and mechanisms, including, but not limited to, the Committee on the Rights of the Child and the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the sale of children, child prostitution and child pornography and the Special Rapporteur on trafficking in persons, especially in women and children, within their respective mandates, building upon existing inter-agency structures, and bearing in mind the ongoing process of the reviewing of mandates in the Human Rights Council;

(e) Also work closely and cooperate with the United Nations system and the existing mandates of United Nations funds and programmes and specialized agencies that have responsibilities in the area of violence against children, in particular those that are members of the Inter-Agency Group on Violence against Children;

(f) Establish a mutually supportive collaboration with civil society, including relevant non-governmental organizations and the private sector, and work to promote the increased involvement of children and young people in initiatives to prevent and respond to violence against children;

60. *Urges* Governments and requests the specialized agencies, relevant United Nations organs that work in the area of violence against children and

regional, intergovernmental and civil society organizations, including non-governmental organizations, as well as relevant United Nations mechanisms and treaty bodies, including the Committee on the Rights of the Child, to cooperate with the Special Representative and to provide information, where appropriate, on the measures adopted to ensure and respect the rights of children to be protected from violence;

61. *Requests* the Special Representative of the Secretary-General on violence against children, upon her/his appointment, and the Special Representative of the Secretary-General for Children and Armed Conflict to cooperate and coordinate their activities, bearing in mind their complementarity, and in this regard ensure between them, within their respective mandates, that the situations of all children subject to or at risk of violence are addressed, including those of armed conflict, foreign occupation, genocide, crimes against humanity, war crimes, terrorism or hostage-taking, or where peacekeeping operations are deployed, in order to ensure that no child is left uncovered;

62. *Requests* the Special Representative of the Secretary-General on violence against children to report annually to the General Assembly, the Human Rights Council and the Economic and Social Council and to ensure that this reporting contains relevant, accurate and objective information on violence against children, taking into account the views of Member States and observers, the outcome of the special sessions of the General Assembly on children and the Secretary-General's study on violence against children, bearing in mind existing mandates;

IV
Follow-up

63. *Decides:*

(a) To request the Secretary-General to submit to the General Assembly at its sixty-third session a report on the rights of the child, containing information on the status of the Convention on the Rights of the Child and the issues addressed in the present resolution;

(b) To request the Special Representative of the Secretary-General for Children and Armed Conflict to continue to submit reports to the General Assembly and the Human Rights Council on the progress achieved and the remaining challenges on the children and armed conflict agenda;

(c) To invite the Chairperson of the Committee on the Rights of the Child to present an oral report on the work of the Committee to the General Assembly at its sixty-third session as a way to enhance communication between the Assembly and the Committee;

(d) To continue its consideration of the question at its sixty-third session under the item entitled "Promotion and protection of the rights of children", focusing section III of the resolution on the rights of the child on "Child labour, with a special emphasis on its causes, including poverty and lack of education" in 2008 and "The right of the child to express his/her views freely in all matters affecting him/her" in 2009.

33. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the promotion and protection of the rights of children

The General Assembly decides to take note of the following documents:

(a) Report of the Secretary-General on the girl child;[1]

(b) Report of the Secretary-General on the follow-up to the special session of the General Assembly on children.[2]

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[1] A/62/297.
[2] A/62/259.